

CASE NO.:  
Appeal (crl.) 678 of 1991

PETITIONER:  
K.A. MOHAMMED ALI

RESPONDENT:  
C.N. PRASANAN

DATE OF JUDGMENT: 04/10/1994

BENCH:  
MADAN MOHAN PUNCHHI & K. JAYACHANDRA REDDY

JUDGMENT:  
JUDGMENT

1994 SUPPL. (4) SCR 191

The following Order of the Court was delivered ;

These are two appeals by a learned advocate who stands convicted under section 12 of the Contempt of Courts Act for having committed the contempt of the court of a learned Magistrate before whom he was conducting a trial for an accused person. Amongst others, one of the Charges against the appellant was that he had at a certain juncture raised the pitch of his voice unusually high to the annoyance of the Learned Magistrate, and besides, had used derogatory language against him. After the incident, the appellant got published and circulated certain posters and caused a demonstration staged which got reported to the High Court whereupon action was taken against the appellant.

We have gone through both the judgments of the High Court and have heard learned counsel. We have no reason to disbelieve the learned Magistrate on the actual happenings, even though effort has been made by Mr. Anam, learned counsel for the appellant to question the same. We are of the view that when the appellant was warned of his unruly behaviour, he should, have stopped and gone in tune with the learned Magistrate and not retained a defiant and aggressive posture. It should be borne in mind by one and all that lawyers were created for the courts, not courts for the lawyers. The happy combination, whenever an aberration occurs, should in immediacy be restored and put to an even keel. Mr. Anam with all his sincerity has expressed before us that the appellant is apologetic for his misbehaviour. We regretfully will not be able to accept his apology at this belated juncture, but would rather admonish the appellant for his conduct under our plenary powers under the Constitution, which we do hereby. Having done so, we would set aside the payment of fine. The appellant need not pay the imposed fine Rs; 2000 in Criminal Appeal No. 678 Of 1991, However, the sums of Rs.5000 and Rs. 10,000 which have been ordered to be paid by the appellant to the Kerala Legal Aid Board under orders under challenge in the respective two appeals are meant for a good cause and those orders we do not upset. This course should set everything at rest. The appeals are disposed of accordingly.