

PART B—CONTEMPTS OF COURT

"Contempt of Court" is not defined either in the Indian Penal Code or in the Criminal Procedure Code. Section 480 of the latter Code, however, deals with certain offences under section 175, 178, 179, 180 and 228 of the Indian Penal Code, which are in the nature of 'Contempt of Court' when such offences are committed in view and presence of the Court. The Court has the power to try such offences itself, but the punishment is limited to fine up to two hundred rupees or simple imprisonment in default of payment up to one month. The procedure laid down in section 481 of the Code should be very carefully followed. If the Court considers that the offender should receive a higher penalty, it has descretion to send the case to another Magistrate,—(vide section 482). An appeal lies in every case of conviction for contempt to the Court which appeals from the decrees or orders of the convicting Court ordinarily lie. In the case of a conviction by a Court of Small Causes an appeal lies to the Sessions Court.

Court can try the offence itself or send the case to another court. Appeal from conviction.

2. Every case in which a person is punished summarily for contempt of court by an officer exercising less than full magisterial powers should be sent, on the completion of the proceedings in which the contempt occurred, to the District Magistrate for inspection. District Magistrates should carefully consider the cases thus submitted to them, and make such comments thereon as appear called for, or if necessary, report the case for the consideration of the High Court on the revision side.

Cases tried by magisterial courts should be sent to District Magistrates for examination.

3. It must be distinctly understood that it is not intended to lay down that the power given to Courts by the Code of Criminal Procedure to punish contempts summarily is never to be resorted to. It is the duty of every Court to maintain the order and dignity of its proceedings, and some times this can only be affected by the punishment of the offender. In this connection, however, it is pointed out that a distinction may well be drawn between a disrespect committed by an ignorant villager, who hardly understands the impropriety of his conduct and disrespectful behaviour on the part of a person higher up in the

Contempt by ignorant people.

scale of society. In the case of an ignorant rustic, a Court may often be content to pass over without punishment an act which would properly call for punishment if committed by a person of higher education and fuller knowledge of what is due to the dignity of a Court of Justice.

High courts
powers in
respect of
Subordinate
Courts.

4. No Court except the High Court can take cognizance of "Contempts out of Court" such as for example comments in news papers on pending cases, etc. Under Section 3 of the Contempt of Courts Act, 1952 (XXXII of 1952), the High Court has and exercises the same jurisdiction, powers and authority in respect of contempts of Courts subordinate to it as it has and exercises in respect of contempts of itself.

The High Court cannot, however, take cognizance of contempts alleged to have been committed in respect of a Court subordinate to it where such contempt is an offence punishable under the Indian Penal Code.

Defamations
of public
servants

5. Complaints for defamation of public servants in respect of their conduct in the discharge of public functions can also be made under Section 198-B of the Code of Criminal Procedure as inserted by Act No. 26 of 1955, It may, however, be pointed out that if the accusation by the public servant is found by the Court to be false and frivolous or vexatious, the public servant can be ordered by the court to pay compensation to the accused, up to an amount of one thousand rupees. -

Non -
attendance
of witnesses

6. Section 485-A provides a summary procedure for punishing a witness for non-attendance in obedience to a summons issued for his appearance before a criminal Court. If the Court before whom the witness was to appear is satisfied that it is expedient, in the interests of justice, to try the witness summarily, the Court may take cognizance of the offence and after giving the witness an opportunity of showing cause why he should not be punished, sentence him to fine not exceeding one hundred rupees. The Court should, so far as practicable, follow the procedure prescribed for summary trials in cases in Which an appeal lies.