

# IN THE HIGH COURT OF SIKKIM

## ORDER SHEET

Contempt Case (Civil) ..... No. **2** of 200**6**

Court on **Suo Motu** ..... Petitioner / Appellant

Versus

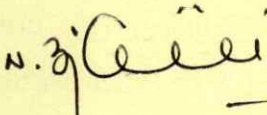
..... Respondent

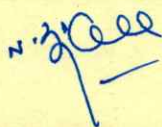
Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
<b>1.</b>	19.06.2006 1230 hrs.	<p>It is very sad affair as I have seen as a first time in my judicial career for last more than 10 years as Judge of the High Courts, namely, Gauhati High Court and High Court of Sikkim that, a person, namely, Mr. George Fredrick who is neither a party in the case nor an authorized person or power of attorney holder of the petitioner came before this Court even in presence of the conducting counsel, Mr. N. G. Sherpa for the petitioner, and his associate Advocate who have been conducting the case being Civil Review Petition No.1 of 2006 right from the very beginning with his associate Advocate who did not sought for adjournment of the related case and this Gentleman Mr. George Fredrick who claims himself that he is representing the case of the petitioner and made a prayer for adjournment of the related case. It is made clear that he did not file any written application for adjournment. It is clear case of a person who is not authorized by the petitioner, sought for adjournment of the above case. According to me, Mr. George Fredrick had lowered the image of this Court as well as the leading counsel of the petition who is present today and apart from that his conduct clearly amounts to an act tending to impeach,</p>	<p><i>As directed in Rev. Petition No. 1/2006 dt 19.6.2006. A Contempt Case (Civil) Suo Motu has been registered as no. 2/2006</i></p> <p style="text-align: right;"><i>19/6/2006</i></p>

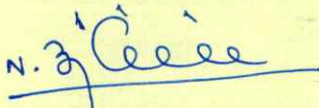
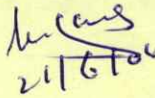
*N. G. Sherpa*

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		<p>embarrass or obstruct the Court in discharge of its duties and it was nothing short to an effort attempted by him to interfere with the orderly administration of justice. He after giving liberty to him for his say, he is repeating his same prayer for adjournment of the case despite the presence of the conducting counsel of the petitioner.</p> <p>It is well-settled that to constitute Contempt of Court it is not necessary to prove affirmatively that there has been an actual interference with the administration of justice by reason of offending statement and it is enough if it is likely or intends in any way to interfere with the proper administration of justice. Administration of justice could not be effective unless respect of it was fostered and maintained. According to me, Mr. George Fredrick is a stranger in this case. There are many ways of obstructing the Courts and "any conduct by which the course of justice is perverted either by a party or a stranger, is a contempt;" and the act of Mr. George Fredrick is an attack to the Court causing obstruction in the administration of justice.</p> <p>For the reasons and observations made above, the conduct of Mr. George Fredrick substantially interferes the due course of justice and accordingly, he is liable for Contempt of Court thus sentencing him to undergo simple imprisonment for 3 (three) days from now, i.e., 1250 hrs. and he should be detained in a civil prison for the above period. It is made clear that his conduct before the Court above-mentioned and being a stranger in the proceedings of Civil Review Petition No.</p>	

*u. j. Case*

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2.	21.06.2006	<p>1 of 2006, such conduct of him shall be recorded in his service book and concerned authority is at liberty to initiate disciplinary proceedings against him for such mis-conduct on his part. Let a copy of this Order be sent to Superintendent of Police, East Sikkim, Gangtok and, the Chief Judicial Magistrate, East &amp; North Districts at Gangtok who is directed to issue custodial warrant for detending Mr. George Fredrick to civil prison for the above period forthwith.</p> <p style="text-align: center;">   <b>( N. S. Singh )</b>  <b>Judge</b>  19.06.2006 </p> <p>On the motion made by Mr. A. K. Upadhyaya, learned senior counsel assisted by Mr. S. Joshi, Ms. A. Banerjee, Ms. Sunita Pradhan and Ms. Manita Pradhan, learned counsels, this matter (Civil Miscellaneous Application No.76 of 2006) is taken up as an unlisted item today. I have perused the application filed by the petitioner Mr. George Fredrick in connection with the Contempt Case (Civil) No.2 of 2006 (Suo Motu) wherein the petitioner offers unconditional apology for inadvertently making the submission before the Court which was treated by this Court as Contempt of Court. In the related order dated 19<sup>th</sup> June, 2006, this Court made certain observations to the effect that the conduct of Mr. George Fredrick shall be recorded in his service book and concerned authority is at liberty to initiate disciplinary proceedings against him for such mis-</p>	



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		<p>conduct on his part. According to me, if such unconditional apology was tendered by the petitioner on that day, i.e., 19<sup>th</sup> June, 2006, the Court ought to have considered it but, it was not done so by Mr. George Fredrick on that day. Be that as it may, the observations made by this Court about the direction to the authority for recording his conduct in his service book and for enabling the authority to initiate disciplinary proceedings against him are hereby recalled. Considering the case in hand, this Court hereby reviewed the earlier order dated 19<sup>th</sup> June, 2006 thus accepting the unconditional apology of Mr. Geroqe Fredrick and releasing him from civil prison forthwith. Suffice is made with the following observations:-</p> <p style="padding-left: 40px;">"Society should not be ruined by destructions of 'law' and 'Dharma' and every citizen of the country should protect the 'law' and 'Dharma'. These are the words of great 'Manu'. We are all equal under the law. Even the weaklings can overcome the strongs with the aid of 'law' and 'Dharma'."</p> <p>This Civil Miscellaneous Application No.76 of 2006 is hereby closed with the directions to the Registry to communicate the copy of this order to the authorities concerned.</p> <p style="text-align: center;">   <b>( N. S. Singh )</b>  <b>Judge</b>  21.06.2006 </p>	<p>Office Note as to action (if any) taken on Order</p> <p>Copy of Order forwarded to CSM (E+D) District and S.P. East on 21.6.06 for compliance.</p> <p style="text-align: right;">   21/6/06 </p>