

GAHC010159442022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Case(Crl)(Suo Moto)/1/2022

XXX
XXX

VERSUS

IN RE - UTPAL GOSWAMI
ADVOCATE, JORHAT BAR ASSOCIATION, R/O ROWRIAH, P.O.-CHALIHA,
JORHAT

Advocate for the Petitioner : SC, GHC

Advocate for the Respondent : MR Z KAMAR

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 09.03.2023
(K.R. Surana, J)

Shri Utpal Goswami, the respondent/ contemnor is present.

2. Mr. Ziaul Kamar, learned senior counsel, who is the amicus curiae in the matter, assisted by Mr. R.K.D. Choudhury, learned counsel are also present.

Mr. T.J. Mahanta, learned standing counsel of this Court, assisted by Ms. P. Sarma, learned counsel for the petitioner is also present.

3. Shri Utpal Goswami, who is an Advocate by profession, and charge with criminal contempt referred to in section 14 of the Contempt of Courts Act, 1971 has filed his affidavit in support of his defense on 17.01.2023 and in paragraph 5 and 6 thereof, the respondent/contemnor has pleaded guilty to the charge. He has specifically admitted that he had come to realize that respect of the Judges and Magistrates of any Court should be preserved and protected by the establishment of peace, order, harmony and tranquility of human society. Further he has admitted that he has committed the crime due to insufficient knowledge in Law and its practice and hence he tendered his unconditional apology as this is his first crime and he assured the Court that he shall never repeat this type of crime in future.

4. An opportunity was granted to Mr. Utpal Goswami, respondent/contemnor as to whether he claimed to be tried. On such query the respondent/contemnor has responded by stating that he is praying for mercy and does not claim to be tried.

5. It is noted that by filing a petition under section 24 CPC, in connection with TA No.6/2018, which was pending before the Court of learned Additional District Judge, Jorhat the petitioner has made a scathing that the presiding officer has been presiding the Court by wearing jewelry like a Model in Ramp and that each and every occasion she tried to overpower/depress the advocates by citing unnecessary case laws and sections of statues without hearing the advocates and tries to control the Court room behaving like a Gangu (sic). He has also alleged that she treats her typist as something special to her. The respondent has also alleged that the concerned judicial officer

collects eatables from Majuli district through her office assistant and also uses official driver and car for personal work. Several other allegations have been made to portray the concerned judicial officer in a demeaning manner and has attacked her understanding of law as well as derogated her personality in many ways by even comparing her to a mythical character in Purana/ Mahabharat, known as *bhasmasur*.

6. Accordingly, the Court doth has hereby explained the charges to the respondent/contemnor of committing contempt of Court in respect of a judicial officer of subordinate Court.

7. Accordingly, in view of the plea of guilty taken by the respondent/contemnor, we hereby convict the respondent contemnor on his plea of guilty being taken, as per the provision of section 14 of the Courts Act, 1971.

8. Accordingly, the respondent/contemnor shall submit a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) for being released on bail.

9. In respect of sentence hearing, we direct the registry to list the matter on 20.03.2023.

10. Let a copy of this order be furnished to the learned standing counsel for the Court, learned amicus curiae and to the respondent/contemnor.

JUDGE

JUDGE

Comparing Assistant