

VERDICTUM.IN

Court No. - 91

Case :- CRIMINAL REVISION No. - 390 of 2022

Revisionist :- Mehul Tyagi

Opposite Party :- State of U.P. and Another

Counsel for Revisionist :- Uma Nath Pandey, Sunil Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Sri Sunil Kumar, learned counsel for the revisionist and Sri O.P. Mishra, learned AGA for the State, are present.

2. At the very outset, learned AGA submitted that the name of the juvenile has been disclosed in the revision memo and therefore, before the matter is heard, that mistake is to be corrected.

3. It may be noted that the Hon'ble Apex Court, by its judgment passed in **Criminal Appeal No. 34 of 2020 (Shilpa Mittal vs. State of NCT of Delhi)**, observed that the name of the child in conflict with law is not to be disclosed to give effect to the provisions of Section 74 of the Act of 2015 and various other judgments of the Courts. For compliance of the above directions, copy of that judgment was circulated to all concerned.

4. It may also be observed that in umpteen number of cases, while hearing the matters of the juvenile/child in conflict of law, to give effect to above provisions of law and the directions of the Apex Court, I am regularly ordering for deletion of the name of the juvenile to hide his/her identity, so that when the judgment is pronounced and uploaded on the website, his name is not depicted in the title of the case (as shown in the cause list).

5. In number of cases, I have directed the concerned section of the Registry to rectify the error (as fed and shown in the official website) so that the error is not perpetuated. It may also be noted that unless title of the case is actually physically corrected in the hard copy of revision memo, it may not be possible for the concerned section of the Registry to hide the name. It may also be noted that this website is accessible to general public as well.

6. However, the moment the mistake was pointed out by Sri O.P. Mishra, the learned AGA, Sri Sunil Kumar, the learned counsel for the revisionist retorted in a loud voice, within the

VERDICTUM.IN

hearing of this Court as well as all the members of staff and the Bar as well, "who are you to point out my mistake". The learned AGA, Sri O.P. Mishra kept mum and went back to take his seat without any reaction. I noticed the counsel's arrogant behavior.

7. I proceeded to dictate the following order:-

"From perusal of the papers, it is revealed that name of the juvenile has been disclosed in the title of the revision. Hence, revisionist is directed to hide the identity of the minor and denote him symbolically by moving a suitable amendment application within 7 days from today."

8. The moment I finished this dictation, he turned towards me to remark "I know no such law. I am not bound to obey your order. You will have to hear me." I tried to counsel him at first saying that you need to correct the title and that I am fixing a short date for hearing, to which, he gave a disdainful reply at the top of his voice said 'ऐसा नहीं चलेगा, मैं बार का वरिष्ठ सदस्य हूँ, आपको मेरी बात सुननी होगी'. He attempted to overawe and pressurize the Court to hear him today itself taking no notice of the order passed by me.

9. The body language and mannerism adopted by the counsel was obnoxious since the beginning, which I ignored for the sake of orderly proceeding in the Court. He appeared visibly annoyed by my dictation in open Court and kept repeating "ऐसा कोई कानून नहीं है। आपको सुनना होगा। मैं आपका आदेश मानने को बाध्य नहीं।" He continued with his noisy outbursts causing quite a derangement upsetting the proceeding in the Court. He exhorted the members of the Bar (who were waiting for their turn) to boycott the hearing. Some of them had to exit unwillingly as his rogueries continued. He gently pushed many to go out and stood there to check that they actually leave and do not re-enter. His antics went on for at least 15 minutes creating lot of commotion in the Court room and he got engaged in lot of vocality not expecting that I have been noting down his conduct. His conduct interrupted the Court's proceedings for about 20-25 minutes and the rest of the matter could not be taken up during this period.

10. For about 20-25 minutes the work remained halted. He created a noisy pandemonium in the Court room interrupting the hearings. His contemptuous behavior not only disrupted the working but also attempted to bring down authority and dignity of the Court. The lost time cannot be made up in any manner. Hence, Sri Sunil Kumar, Advocate is being proceeded for contempt of court.

11. Let a notice be issued against Sri Sunil Kumar, Advocate giving him an opportunity to explain as to why he should not be punished for contempt of court.

VERDICTUM.IN

12. Put up this Criminal Revision on **Friday i.e., 04.11.2022, as fresh** for hearing.

13. The Registry is directed to allot appropriate number to the contempt proceeding being drawn against Sri Sunil Kumar, Advocate and place the matter before the appropriate bench on the next date fixed.

Order Date :- 21.10.2022

Vik/-Asha/-