

ORIGINAL CRIMINAL.

Before Young C. J. and Addison and Dalip Singh JJ.

THE CROWN—Petitioner

versus

S. R. IYER, EDITOR, AND J. C. ROY, PRINTER
AND PUBLISHER, OF "ROY'S WEEKLY"
NEWSPAPER—Respondents.

Criminal Original No. 4 of 1934

Contempt of Court—High Court—gross misrepresentation of its proceedings—Duty of Courts of Justice to preserve their proceedings from being misrepresented.

In a Journal called "Roy's Weekly," Delhi, was published an article headed "A wayfarer's diary" with a prominent head line in the front page as follows:—"Storm ahead of Lahore High Court." The gravamen of the article was that judgment after judgment was being given by the Court arbitrarily, that neither law nor facts were discussed, before judgment was delivered, and that summary justice was being administered.

Held, that the article in question was as gross a contempt of Court and misrepresentation of proceedings in Court as it was possible to imagine, and that nothing is more incumbent upon Courts of Justice than to preserve their proceedings from being misrepresented.

In re Read and Huggonson (1), relied upon.

Held also, that it was open to the High Court to treat the offence on the present occasion leniently in view of the fact that the Printer of the article stated at the hearing that he had not read the article and regretted very much that it should have appeared in the paper; and the Editor stated that he was misled by the information he received and regretted the writing of the article and withdrew it and denied the intention to bring the Hon'ble Judges and the High Court into disrespect and contempt, though he realised that the language used by him was improper and liable to convey that impression, and tendered his sincere and unqualified apology.

Petition filed by the Government Advocate for the grant of a rule nisi against Mr. S. R. Iyer and Mr. J. C. Roy, calling upon them to show cause why they should not be committed or otherwise dealt with in accordance with law for the offence of contempt of the High Court.

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DIWAN RAM LAL, Government Advocate, for
 Petitioner.

SLEEM, for Respondents.

YOUNG C. J.—A Division Bench of this Court, on the 7th November, 1934, issued a rule *nisi* to Mr. S. R. Iyer, Editor, and Mr. J. C. Roy, Printer and Publisher, of a journal called “Roy’s Weekly,” Delhi, to show cause why they should not be committed or otherwise dealt with in accordance with law for contempt of this Court. In obedience to the rule, both respondents have, to-day, appeared and are represented by counsel.

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In the issue of the said newspaper, dated the 8th of October, 1934, there was published an article headed.

“A WAYFARER’S DIARY.”

There also appeared a prominent headline in the front page as follows:—

“Storm ahead of Lahore High Court.”

It is unnecessary fully to quote the said article. The gravamen of it, however, was that judgment after judgment was being given in this High Court arbitrarily, and that neither law nor facts were discussed, before judgment was delivered. It further said that it was necessary “to restore the confidence of the public that law is discussed and facts are digested before cases are disposed of.” It alleged

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that summary justice was being administered. The writer of the article said that the article was based upon information received from various sections of the community.

There can be no doubt that this article is as gross a contempt of Court and misrepresentation of proceedings in Court as it is possible to imagine. Nothing could have been more calculated to bring this Court into contempt and to lower its authority with the general public. It is difficult to believe that any responsible person could have given such information to the writer of the article. As said by Lord Hardwicke, Lord Chancellor, in *In re Read and Huggonson* (1), "nothing is more incumbent upon Courts of justice than to preserve their proceedings from being misrepresented."

Mr. Sleem, who appears on behalf of the two respondents, has filed affidavits by them. The Printer of the article says that he had not read the article, and that he regrets very much that the article and the headline in question should have appeared in the paper. The Editor admits that he is the author of the article and the headline complained of, and goes on to say that in writing the article and the headline in question he was misled by the information he received. He too regrets the writing of the article and withdraws it. He denies the intention to bring the Hon'ble Judges and this Hon'ble Court or the administration of justice and authority of law into disrespect and contempt. He realises that the language used by him was improper and liable to convey the impression that he intended to scandalise this Hon'ble Court, though that was not his intention. He, finally, deeply regrets the

(1) (1742) 2 Atk. 469.

publication and tenders his sincere and unqualified apology.

As it is now some years since any action has been taken by this Court for contempt, and as both respondents apologise and withdraw, and the writer of the article acknowledges that he was misled, I think it is open to this Court to treat the offence, on this occasion, leniently. This, however, must not be taken as a precedent. In future this Court will treat severely anything savouring of contempt of Court, and I consider it only right that this warning should be given to the public in this Province. There are far too many attempts by the public to interfere with the Court and Judges in the discharge of their duty of administering justice, both as regards pending cases and attacks upon Judges themselves. It is primarily the duty of this Court to see that this ceases. Any act or writing tending to undermine the authority of Courts of justice, or to influence the result of pending litigation, is a most serious offence. I hope, this warning will be sufficient to check this practice.

Taking this view of the matter, I am of opinion that the ends of justice will be satisfied in this case by discharging the rule against the Printer, and by ordering the Editor to pay Rs.150, the costs of the Government Advocate.

ADDISON J.—I agree.

ADDISON J.

DALIP SINGH J.—I agree.

DALIP SINGH J.

A. N. C.

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