

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9586 of 2021

Srinath Rana

....

Petitioner

*Mr. Haripada Mohanty,
Advocate*

-versus-

State of Odisha

....

Opp. Party

*Mr. Priyabrata Tripathy,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
15.02.2023**

Order No.

18.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Learned counsel for the petitioner files certified copy of the surrender certificate in Court today, which is taken on record.

In pursuance of the order dated 10.02.2023, Mr. Ganeswar Pradhan, the Inspector in-charge of Khaira Police Station has produced the deponent Tapan Kumar Sahoo, S/o-Dayanidhi Sahoo, resident of Ghusurigadia, P.O.- Nachipur, P.S.-Khaira, District- Balasore, who has sworn affidavit in I.A. No.1957 of 2022 for grant of interim bail to the petitioner Srinath Rana on the ground that the petitioner's wife Madhusmita Rana is suffering from various ailments and is under the treatment by the

treating doctor of S.C.B. Medical College and Hospital, Cuttack. Copies of the O.P.D. Card/prescription and U.S.G report etc. were filed along with the I.A.

When I.A. No. 1957 of 2022 was taken up for the first time for orders on 06.01.2023, learned counsel for the State was asked to obtain instruction on the interim application. However, on 13.01.2023 since all the required instructions could not be produced, the petitioner was granted interim bail for a period of two weeks and the matter was directed to be listed on 10.02.2023 and learned counsel for the petitioner was directed to produce the surrender certificate of the petitioner. When the matter was taken up on 10.02.2023, learned counsel for the State brought to the notice of the Court by producing a letter dated 10.01.2023 of Dr. S. N. Routray, Prof. & HoD of Cardiology, S.C.B. Medical College and Hospital, Cuttack that the enclosed prescription and advice given in the O.P.D. ticket of Madhusmita Rana annexed to the interim application are completely forged. Accordingly, this Court by order dated 10.02.2023 directed the Officer in-charge of Khairia Police Station to arrest Tapan Kumar Sahoo and produce him before this Court today.

When the signature of Tapan Kumar Sahoo, the deponent in the affidavit portion of I.A. No.1957 of 2022 is shown to him, he submitted that he has not sworn the affidavit and he also disputes the signature appearing

thereon to be his own signature. It appears that one Suresh Chandra Sundaray, Advocate's Clerk has identified the deponent Tapan Kumar Sahoo in the affidavit in I.A. No.1957 of 2022.

Thus, it prima facie appears that I.A. No.1957 of 2022 has been filed for grant of interim bail to the petitioner Srinath Rana by producing forged medical documents and the affidavit has been sworn to by Tapan Kumar Sahoo, the nephew of the petitioner being identified by Suresh Chandra Sundaray the Advocate's Clerk.

As per section 2(c) of the Contempt of Courts Act, 1971, 'criminal contempt' means, inter alia, the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.

Law is well settled that anyone who takes recourse to fraud deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice.

If a forged and fabricated document is filed in Court to get some relief, the same may amount to interference with the administration of justice. The obstruction of justice is to interpose obstacles or impediments, or to hinder, impede or in any manner interrupt or prevent the administration of justice. The fabrication and production of false document can be held to be interference with the due course of justice. Any interference in the course of justice, any obstruction caused in the path of those seeking justice are an affront to the majesty of law and therefore, the conduct is punishable as contempt of Court. Law of contempt is only one of many ways in which the due process of law are prevented to be perverted, hindered or thwarted to further the cause of justice. Due course of justice means not only any particular proceeding but broad stream of administration of justice. Therefore, due course of justice used in section 2(c) or section 13 of the Contempt of Courts Act, 1971 are of wide import and are not limited to any particular judicial proceeding. Due process of law is blinkered by acts or conduct of the parties to the litigation or witnesses or generate tendency to impede or undermine the free flow of the unsullied stream of justice by blatantly resorting, with impunity, to fabricate Court proceedings to thwart fair adjudication of dispute and its resultant end. If the act complained of substantially interferes with or tends to interfere with the broad steam

of administration of justice, it would be punishable under the Contempt of Courts Act, 1971. If the act complained of undermines the prestige of the Court or causes hindrance in the discharge of due course of justice or tends to obstruct the course of justice or interferes with due course of justice, it is sufficient that the conduct complained of constitutes contempt of Court and liable to be dealt with in accordance with the Contempt of Courts Act, 1971. It has become increasingly a tendency on the part of the parties either to produce fabricated evidence as a part of the pleadings or record or to fabricate the Court record itself for retarding or obstructing the course of justice or judicial proceedings to gain unfair advantage in the judicial process. This tendency to obstruct the due course of justice or tendency to undermine the dignity of the Court needs to be severely dealt with to deter the persons having similar proclivity to resort to such acts or conduct. In an appropriate case, the mens rea may not be clear or may be obscure but if the act or conduct tends to undermine the dignity of the Court or prejudice the party or impedes or hinders the due course of judicial proceedings or administration of justice, it would amount to contempt of the Court. (Ref: **Chandra Shashi-Vrs.-Anil Kumar Verma reported in (1995)1 S.C.C. 421, Ram Autar Shukla-Vrs.-Arvind Shukla reported in 1995 Supp (2) S.C.C. 130**).

Issue notice to Suresh Chandra Sundaray, Advocate's Clerk to file show cause as to why a proceeding under the Contempt of Courts Act, 1971 shall not be initiated against him for indentifying a person as Tapan Kumar Sahoo to be the nephew of the petitioner in I.A. No.1957 of 2022. Show cause affidavit, if any, shall be filed Suresh Chandra Sundaray, Advocate's Clerk by the next date. On that date, he shall physically remain present before this Court. Steps shall be taken by the Registry to serve the notice on him.

Show cause, if any, shall also be filed Tapan Kumar Sahoo as to why a proceeding under the Contempt of Courts Act, 1971 shall not be initiated against him for swearing the affidavit in I.A. No. 1957 of 2022 enclosing forged documents.

Copy of the I.A. No.1957 of 2022 with all the annexures so also copy of the letter dated 10.01.2023 of Dr. S. N. Routray, Prof. & HoD of Cardiology be supplied to Tapan Kumar Sahoo so also Suresh Chandra Sundaray.

Put up this matter on 28.02.2023.

Till the next date, Tapan Kumar Sahoo is remanded to judicial custody. He shall be produced before the learned S.D.J.M. (Sadar), Cuttack by the Inspector in-charge of Khaira police station today who shall remand him to Circle Jail, Choudwar. The deponent Tapan Kumar Sahoo shall be produced before this Court on the next

date i.e. 28.02.2023 at 10.30 a.m..

Let a free copy of the order be supplied to the learned counsel for the State for compliance in course of the day.

(S.K. Sahoo)
Judge

PKSahoo

