OFFICE OF THE DISTRICT & SESSIONS JUDGE, NEW DELHI DISTRICT
PATIALA HOUSE COURTS, NEW DELHI

No. 2895-2898 /Genl./NDD/2020 Dated, New Delhi 04.02.2020

As directed by Ld. Officer Incharge, General Branch, New Delhi District, Patiala House Court, New Delhi letter dated 28.11.2019 received from the Registrar General, Hon'ble High Court of Delhi, New Delhi alongwith copy of order dated 12.07.2019 passed by Hon'ble Division Bench of Hon'ble High Court of Delhi, New Delhi in contempt Petition (Criminal) No.7/2014, case titled as Lili Marli Noshi & Anr. Vs. Azad Chandra Prakash Gautam & Anr. is forwarded for information & necessary action to:-

01 The Court of Ld. District & Sessions Judge, PHC/ND.

02 The President, New Delhi Bar Association, New Delhi.

03 The Secretary, New Delhi Bar Association, New Delhi.

04 The Incharge, Computer Branch, PHC, New Delhi to upload the same on District Court Website and submit a report in this regard to General Branch, PHC, New Delhi.

04/02/2020

A.O. (Judl.)/Branch In-charge
New Delhi District, PHC/Delhi

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CONTEMPT PETITION (CRIMINAL)NO. 7 OF 2014

MEMO OF PARTIES

1 Liyi Marli Noshi
Advocate
D/o Shri Marli Noshi
Residing in 23/13
Sector I
Push Vihar
New Delhi-110017

2 J. Maivio
S/o W. Joram
Residing in Nagaland House
29 Aurangzeb Road
New Delhi-110001

.....Petitioners

Versus

1 Azad Chandra Prakash Gautam
Advocate
Enrolment number: D 3501/2012

2 Varun Kumar Jain
Advocate
568, Western Wing,
Tis Hazari Courts,
Delhi.

R/o 33-D, Gyatari Apartments

Sector 9, Rohini, Delhi -85

Enrolment number: D/ 973/2012

.....Contemnors/ Respondents

Date: 1.7.2014

Place:

FILED BY

Ms. Liyi Marli Noshi and Ms. Dharitry Phookan
Advocates
A 64 A, LGF
Nizamuddin East
New Delhi-110013

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* IN THE HIGH COURT OF DELHI AT NEW DELHI (4)

% *Date of Decision: 12th July, 2019*

\+ CONT.CAS(CRL) 7/2014

LIYI MARLI NOSHI & ANR ..... Petitioners
Through: Petitioner no.1 in person.

versus

AZAD CHANDRA PRAKASH GAUTAM & ANR..... Respondents
Through: Mr.Mukul Gautam, Advocate

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE VINOD GOEL

G.S. SISTANI, J. ***(ORAL)***

1. This is a petition under Article 215 of the Constitution of India and Sections 15(2) read with Section 2(C) of the Contempt of Courts Act, 1971 for initiating contempt proceedings against the respondents.

2. It is claimed that the respondents along with many others indulged in acts of assault and intimidation towards the petitioners, towards a victim of a molestation case as well as other people from North East India on 23.05.2014 when they had come to Tis Hazari Court in connection with the criminal case filed by the victim of molestation. The petitioner no.1 hails from Arunachal Pradesh is an Advocate by profession and is enrolled under the Delhi Bar Council. Petitioner no.2 is the President of Nagaland Students Union in Delhi and is actively involved in the welfare and protection of North East people in Delhi. It

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is not necessary to notice the facts in detail as during the pendency of this contempt petition, the respondents have tendered an apology, which is reflected in the order dated 10.11.2017, which we have reproduced below:

> **"Statement of Mr. Azad Chandra Prakash Gautam S/o Mr. Chandra Shekhar Azad, Aged 28 years, R/o E-227/D, Sector-11, Pratap Vihar, Ghaziabad,(U.P.) (on S.A.)**
>
> .....
>
> I am respondent no.1 in the CONT.CAS(CRL). No.7/2014. I sincerely tender my unconditional apology to the Court and the petitioner no.1 and I express remorse for the incident subject matter of the FIR No.238/2014, Police Station Subzi Mandi, Delhi dated 23.05.2014 under Sections 147/149/323/341/354A/506/186/ 353/34 IPC. I pray that my apology may be accepted. I pray that the FIR No.238/2014, Police Station Subzi Mandi, Delhi may be quashed."
>
> .....
>
> **"Statement of Mr. Varun Kumar Jain S/o Sh. Shripal Jain, Aged 30 years, R/o B-1060, 2nd Floor, Shastri Nagar, Delhi-110005. (on S.A.)**
>
> .....
>
> I am respondent no.2 in the CONT.CAS(CRL). No.7/2014. I sincerely tender my unconditional apology to the Court and the petitioner no.1 and I express remorse for the incident subject matter of the FIR No.238/2014, Police Station Subzi Mandi, Delhi dated 23.05.2014 under Sections 147/149/323/341/354A/506/186/ 353/34 IPC. I pray that my apology may be accepted. I pray that the FIR No.238/2014, Police Station Subzi Mandi, Delhi may be quashed."

3. On 10.11.2017, this Court had passed the following order:.

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"Respondents are present in Court. The respondents wish to make a statement. Let their statements be recorded.

Statements of the respondents as also the petitioner have been recorded separately. Petitioner no.1 states that she has no objection if the FIR No.238/2014, Police Station Subzi Mandi, Delhi dated 23.05.2014 under Sections 147/149/323/341/354A/506/186/353/34 IPC is quashed and the apology of the respondents are accepted and CONT.CAS.(CRL) 7/2014 is disposed of.

We have heard the learned counsel for the parties. In view of the stand taken by the petitioner no.1 and the respondents, we are inclined to accept the apology, however, to ensure that such an incident is not repeated, before we pass a final order in the Contempt Petition, we deem it appropriate to request Mr. Kirti Uppal, President, Mr. J.P. Sengh, Vice President, and Mr. Amit Sharma, Secretary, Delhi High Court Bar Association to remain present in Court on the next date. We also request Mr. Sanjeev Jain, Member Secretary, Delhi State Legal Services Authority and the Chairman of the Co-ordination Committee of all the District Bar Associations, Patiala House to remain present in Court on the next date.

List on 01.12.2017. The matter will be taken up post-lunch."

4. Thereafter, the matter was kept pending to enable the Court to seek inputs from the President, Secretary of Bar Associations and office bearers so that the such an incident is not repeated in future. The petitioner no.1 had submitted that members of her community often faced alienation, hostility and that too from the members of the Bar. Keeping this aspect in mind, the President, Vice President and Secretary of the Bar Association were called and suggestions were made. An assurance was given to the Court that they would co-opt at least one

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member from the North East community as a special invitee and also various other measures would be taken so that brothers, sisters from the North East Community feel completely at home in the Courts.

5. We were also informed by the petitioner no.1, who is also present in Court today, that initially there was language hostility amongst some of the members of the Bar towards her and her community and sometimes, there was a feeling of alienation and thus, a responsibility should be cast on the Bar Associations to ensure that members of their community are made comfortable in the Court premises and are also introduced to various functions and activities of the Bar and are given opportunity to participate in the functioning of various Bar Associations which will give them a better understanding of their culture and in certain other sensitive issues by their participation. Keeping this in mind, the President, Vice President and Secretary of the Bar Associations had appeared in the matter and an assurance was given that they would co-opt at least one member from their community as a special invitee in the meeting of the Bar Association and also through different methods and programmes to ensure that the members of the community do not feel alienated or unwanted and there is no air of hostility or no members of the Bar Association should alienate them and more so such incident which took place on 23.05.2014, should not be repeated under any circumstance.

6. Accordingly, all Bar Associations are requested to co-opt at least one member of North-East community as a special invitee in their meetings. We leave it to the Bar Associations to ensure that no raciest comments are made against the community and every efforts would be taken to

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give confidence to the members of the North-East community of a feeling of being wanted. The Mobile numbers of the President and Secretary shall be made available so that they have direct access to them in case of any need or requirement, security or in case of any harassment.

7. With these directions, the contempt petition is disposed of.

G.S. SISTANI, J

VINOD GOEL, J

JULY 12, 2019
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