

"whoever an act done
or writing published,
calculated



**ASSIGN
BUSTER**

“ Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.” Section 228 deals with punishment of a person who intentionally insult or interrupt in any way the court administering justice. The object of Section 228 is to preserve the prestige and dignity of the Court. Section 228 lays down the highest sentence that can be inflicted for contempt of court. Contempt of court is an act done or writing published, calculated to insult or interrupts a court or judge of the court into contempt or to lower its authority in contempt.

The essential ingredients of the section are: (i) Intention to insult a public servant or; (ii) Insult or interruption to a public servant; and (iii) The public servant insulted or interrupted must be sitting in any stage of judicial proceeding. Such acts are rude behaviour, obstinacy, refusal to answer any lawful question, break of the peace or any willful disturbance whatever; will amount to contempt of court. It may be noted that every protest made does not interrupt the court but if it is its duty to listen to protests howsoever much they may delay its proceedings.

So long as they are made bonafide do not constitute interruption which the section punishes as contempt. Prevarication by a witness and refusal to answer a question amount to intentional interruption within the meaning of Section 228. A person persisting in putting irrelevant and vexatious questions to a witness after warning a person making an impertinent threat to a witness in the box; a person calling the trial Judge as ‘ a prejudiced

judge'; a person stating in an application for transfer of a case that the court had become hostile to him; were all considered guilty of contempt of court under Section 228. Hurling of shoes by an Advocate at the presiding officer of the court was contempt of the worse kind and needs to be punished severely. A person leaving the court when ordered to remain; a person listening to evidence after being told to leave the court; a person using vulgar language for the purpose of emphasis; a person walking out of the court without answering the question whether he had any witness; a person writing a letter to a Judge imputing an unlawful act causing loss to him were considered to have committed an offence under Section 228. The offence under Section 228 is non-cognizable, bailable but not compoundable and summons should ordinarily issue.

It is triable by the court in which the offence is committed subject to the provisions of Chapter XXVI.