

The has taken the
view that the



The five offences of contempt covered by S. 345 are: (i) Intentional omission to produce a document by a person who is legally bound to produce it (S. 175, I. P.

C.); (ii) Refusal to take oath, when duly required to do so (S. 178, I P. C.); (iii) Refusal to answer questions by one who is legally bound to state the truth. (S. 179; I.

P. C.); (iv) Refusal to sign a statement made to a public servant, when legally required to do so (S.

180 I. P. C) and (v) Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding (S. 228, I.

P. C.).

It will be seen that S. 345 enables a Court to preserve decorum and maintain its dignity. It provides for a summary remedy to deal with the five types of contempt given above, namely contempt *ex facie curiae*. In such cases, the Court is not bound to hear any evidence; it can rely on its own opinion of what transpired in its presence, and sentence the offender. As seen above, the section requires that such an offender must be sentenced before the rising of the Court, that is, on the very same day.

The Bombay High Court has, therefore, held that the Court cannot postpone the sentence to a later date. (Shanker,—44 B. L. R.

439). However, the Allahabad High Court has taken the view that the Court is entitled to postpone the passing of the sentence until a later date, if this

does not prejudice the accused in any manner. (Patamber;—1889, 11 All. 361) If, however, in such cases, the Court considers that the offender should be fined more than Rs. 200 or that a substantive sentence of imprisonment (and not one merely in lieu of fine) should be inflicted on him, or for any other reason it thinks it fit to do so, the Court may forward the case to a Magistrate having jurisdiction to try the same, after recording the facts constituting the offence and the statement of the accused. The Court may also call upon such a person to give security for his appearance before such a Magistrate, and if sufficient security is not forthcoming, the Court may send such a person in custody to the Magistrate. The Magistrate to whom any case is forwarded as above must proceed to deal with it, as far as possible, as if it was a case instituted on a Police Report.

(S. 346) If such a person offers a satisfactory apology to the Court or the Magistrate (to whom his case is forwarded as above), the Court may, in its discretion discharge the offender, or remit the punishment inflicted upon him.