

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF MAY 2002

PRESENT

THE HON'BLE MR. JUSTICE P. VISHWANATHA SHETTY

AND

THE HON'BLE MR. JUSTICE M.S. RAJENDRA PRASAD

C.C.C NO. 601 OF 2002 (CIVIL)

Between:

Badrul Bilal
S/o K.M. Abdul Khader
Aged about 20 years
Student Studying
In 4th Semister
P A College of Engineering
Kairangala
Mangalore

..COMPLAINANT

(By Sri C.R. Goulay & Prasanna Kumar P, Advocates)

And:

1. Dr.V. Seenappa,
The Director of Technical
Education in Karnataka,
Palace Road,
Bangalore - 1.
2. Ashok Kumar,
The Principal (Incharge),
P A College of Engineering,
Mangalore,
D.K. District.

3. Dr.H.V.Sudhakar Nayak,
Vishveshwaraya Technological
University,
By its Registrar,
Belgaum.

..RESPONDENTS

(By Sri V.Y. Kumar, Adv. for R-1,
Sri P.S. Rajagopal, Adv. for R-2
Sri Basava Prabhu S Patil, Adv. for R-3)

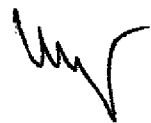
CCC filed u/s.11 & 12 of the Contempt of Court Act praying to initiate Contempt Proceedings against the Respondents for disobeying the Order dt.19.4.2002, passed in W.P.No.18571/2002 (Edn).

This CCC coming on for orders this day, P.Vishwanatha Shetty, J., made the following:

ORDER

Heard.

2. The affidavit of the Principal has been filed. In the affidavit, the Principal has stated that he has highest respect for this Court and he never intended to disobey the orders made by this Court. He has also given unconditional apology. Sri.Rajgopal, learned counsel appearing for the 2rd respondent-accused further submitted that the accused regrets for giving an impression that he intended to



disobey the interim order made by this Court and he withdraws the averments made in the counter filed justifying his action. He submits, on account of the entire misunderstanding of the matter in controversy, the 2nd respondent took a stand justifying the action taken by him for not complying with the interim order passed by this Court and he unconditionally apologises for not earlier complying with the order passed by this Court. He submits that under these circumstances and keeping in view that the 2nd respondent was only an incharge Principal and he also had to act on the instructions given by the Management of the Institution, the entire matter may be viewed sympathetically and the proceedings may be dropped.

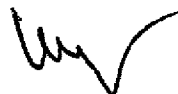
3. Sri.Gopal Hegde fairly submitted that the intention of the complainant was not to prosecute the 2nd respondent; and he was constrained to file this petition as the 2nd respondent-accused did not 'obey' the orders passed by this Court and under those circumstances the petitioner had no option than to



initiate this proceedings and he has no objection to drop the proceedings.

4. No doubt that the 2nd respondent did not comply with the interim order made by this Court. However, since the 2nd respondent has tendered unqualified apology and his counsel, Sri.Rajgopal also has submitted before us that the 2nd respondent regrets for his action and tenders unqualified apology and withdraws the stand taken in the counter filed, we are of the view that it is in the interest of justice to drop the proceedings initiated against the 2nd respondent. We are satisfied that the 2nd respondent has tendered apology after realising that what has been done by him was not correct.

5. In the light of what is stated above and in view of the unconditional apology tendered by the 2nd respondent, the proceedings initiated against him is



dropped. Accordingly, this petition is disposed of.
However, no order is made as to costs.

Sd/
Judge

Sd/
Judge

Jm/ -