

**Contempt of Courts (High Court of Tripura)  
Rules, 2023**

# CONTEMPT OF COURTS (HIGH COURT OF TRIPURA) RULES, 2023

## HIGH COURT OF TRIPURA AGARTALA

No.F.3(35)-HC/2023/23416

Dated, Agartala, the 26<sup>th</sup> September, 2023

### **N O T I F I C A T I O N**

\*\*\* In exercise of the powers under Sec.23 of the Contempt of Courts Act, 1971, read with Arts.215 and 225 of the Constitution of India and all other powers enabling it in this behalf, the High Court of Tripura hereby makes the following rules:

#### **PART-I**

#### **TITLE AND DEFINITIONS**

1. (1) These rules may be called the Contempt of Courts (High Court of Tripura) Rules, 2023;
- (2) These rules shall extend to the State of Tripura;
- (3) They shall come into force on the date of their publication in the Official *Gazette*.
2. Definitions: - In these rules unless there is anything repugnant in the subject or the context-
  - (a) "Act" means the Contempt of Courts Act, 1971 (Act No. 70 of 1971);
  - (b) "Section" means a section of the Act;
  - (c) "High Court" means the High Court of Tripura;
  - (d) "Judge" means a Judge or an Additional Judge of the High Court of Tripura or a Judge appointed thereto under Art.224-A of the Constitution of India;
  - (e) "Registrar" means the Registrar General of the High Court and shall include the Joint Registrar or Deputy Registrar or as may from time to time be specified by the Chief Justice;
  - (f) "civil contempt" means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of or undertaking given to a Court;

- (g) "criminal contempt" means 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-
- (i) scandalizes or tends to scandalise, or lowers or tends to lower the authority of, any Court; or
  - (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
  - (iii) interferes, or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;
- (h) All other words and expressions used in these rules, but not defined herein, shall have the meaning respectively assigned to them in the Act.

## **PART-II**

### **CRIMINAL CONTEMPTS**

3. (1) Where contempt is committed in view or presence or hearing of the Court, any person charged with criminal contempt as referred to in Section 14 of the Act may file an affidavit in support of his defence on the date fixed for his appearance or any other date fixed by the High Court in that behalf.
- (2) If such person pleads guilty to the charge, his plea shall be recorded and the High Court may, in its discretion, either convict him thereon or accept bail for his appearance at such time, as may be appointed, to receive its judgment.
- (3) If such person refuses to plead or does not plead, or claims to be tried or the High Court does not convict him on his plea of guilty, it may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary.

### **PART-III**

#### **CIVIL CONTEMPTS**

4. In case of contempt other than the contempt referred to in rule 3, the Court may take action:-
  - (a) *suo motu*, or
  - (b) On a petition made by the Advocate General of the State;
  - (c) On a petition presented by the party aggrieved; or
  - (d) On a reference made by any sub-ordinate court.
5. (i) In case of civil contempt, the person charged may file his affidavit by way of reply to the charge and shall serve a copy thereof on the Petitioner or his counsel at least three days before the date of hearing.
  - (ii) No further return, affidavit or document shall be fixed except with the leave of the High Court.
6. In the case of a civil contempt, the High Court may determine the matter of charge either on affidavits filed or on such further evidence as may be taken by itself or recorded by a subordinate court in pursuance of a direction made by it, and pass such order as the case requires, having regard to the provisions of Sections 12 and 13 of the Act.

### **PART IV**

#### **COGNIZANCE AND PROCEDURE**

7. (1) Every petition, reference or motion for taking proceedings under the Act shall be registered as civil petition (contempt) in respect of civil contempt and criminal petition (contempt) in respect of criminal contempt.
  - (2) In proceedings initiated by petition, the initiator shall be described as the petitioner(s) and opposite party as the respondent(s), and in other cases the description of the person(s) proceeded against shall be as follows:

“In re A son of... occupation ... ..... Resident of .. . .”

8. (a) Every petition under R.7 shall contain:

(i) The name, description and place of residence of the petitioner or petitioners and of the person or persons charged;

(ii) Nature of the contempt alleged, and such material facts including the date or dates of the commission of the alleged contempt, as may be necessary for the proper determination of the case;

(iii) If a petition has previously been made by him on the same facts, the petitioners shall give the details of the petition previously made and shall also indicate the result thereof.

(b) The petition shall be supported by an affidavit.

(c) Where the petitioner relies upon a document or documents in his possession or power, he shall file such document or documents or true copies thereof with the petition.

(d) No Court fee shall be payable on the petition or on any document(s) filed in the proceedings.

9. (1) Every reference relating to contempt of court subordinate to the High Court shall be scrutinized by the Registrar (Judicial) who shall place the same before the Chief Justice or any other Judge nominated by him in this behalf for obtaining orders after noting thereon the nature of the contempt.

(2) When any publication, application, letter of intimation is received by post or otherwise called for any action being taken under the Act by the High Court on its own motion, the matter shall be dealt with in the manner prescribed in sub-rule (1).

10. (1) Every Petition, motion or reference in relation to any contempt shall be listed as per provision of Rule-6, Chapter-V of High Court of Tripura Rules, 2023.
- (2) Every notice issued by the High Court shall be in the Form-I or Form IA, as the Court deems fit, appended to these rules and shall be accompanied by a copy of the motion, Petition or reference as the case may be, together with the copies of the affidavits, if any
- (3) Notice of every proceedings under the Act shall be served personally on the person charged, unless the High Court for reasons to be recorded, directs otherwise.
- (4) The notice shall bear the date, the seal of the High Court and shall be issued under the signature of the Registrar (Judicial).
- (5) Procedure in cases where contemner is absconding or evading service:-
  - (i) If the Court is satisfied that the service of notice is sufficient or it has reason to believe that the person charged is absconding or is otherwise evading service of notice or if he fails to appear in person or continues to remain absent in spite of notice, it may direct issue of warrant bailable or non-bailable for his arrest, addressed to one or more police officers or may order attachment of property. The warrant shall be issued under the signature of the Registrar. The warrant shall be in Form II and shall be executed, as far as may be, in the manner provided for execution of warrants under the Code of Criminal Procedure 1973.
  - (ii) The warrant shall be executed by the Officer to whom it is directed and may also be executed by any other police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.
  - (iii) Where a warrant is to be executed outside the State of Tripura, the Court may, instead of direction such warrant to a Police Officer, forward it to the Magistrate of the district or the Superintendent of Police or the Commissioner of Police of the district

within which the person charged is believed to be residing. The Magistrate of the Police Officer to whom the warrant is forwarded shall endorse his name thereon and shall cause it to be executed.

(iv) Every person who is arrested and detained shall be produced before the nearest Judicial Magistrate or the Metropolitan Magistrate, as the case may be, within a period of 24 hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the said Magistrate and no person shall be detained in custody beyond the said period without the authority of either a Judicial Magistrate or a Metropolitan Magistrate, as the case may be.

(6) Where a warrant is to be executed outside the jurisdiction of the High Court, the court may instead of directing such warrant to police officer, forward it to the Magistrate of the District or the Superintendent of Police or Commissioner of Police of the district within which the person charged is believed to be residing. The Magistrate or the police officer to whom the warrant is forwarded shall endorse his name hereon and cause it to be executed.

(7) Whenever the High Court issues a notice, it may, if it sees reason so to do, dispense with the personal attendance of the person charged with the contempt and permit him to appear by his pleader, and may, in its discretion, at any stage of the proceedings, direct the personal attendance of such person, and, if necessary, enforce such attendance in the manner hereinbefore provided.

(8) (i) When any person charged with contempt appears or is brought before the High Court and is prepared, while in custody or at any stage of the proceedings to give bail, such person shall be released on bail, if a bond for such sum of money as the High Court thinks sufficient is executed with or without sureties on condition that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the High Court.

Provided further that the High Court may, if it thinks fit, instead of taking bail from such person discharge him on his executing a bond without sureties for his attendance as aforesaid, or without executing such bond.

(ii) Notwithstanding anything contained in sub-rule (1) where a person fails to comply with the conditions of the bail bond as regards the time and place of attendance, the High Court may refuse to release him on bail, when on a subsequent occasion in the same case he appears before the High Court or is brought in custody and any such refusal shall be without prejudice to the powers of the High Court to call upon any person bound by such bond to pay the penalty thereof.

(iii) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to all the bonds executed under the rule.

## **PART-V**

### **APPEALS**

11. (i) Every appeal under the Act shall be registered as Contempt Appeal.
- (ii) An appeal shall lie from any order of High Court in the exercise of its jurisdiction to punish for contempt-
  - (a) where the order is passed by a single Judge, to a Bench of not less than two Judges of the Court;
  - (b) where the order is passed by a Bench, to the Supreme Court.
- (iii) An appeal under sub-section (ii) shall be filed-
  - (a) The High Court within thirty days;
  - (b) To the Supreme Court within sixty days from the date of the order appealed against.



## **PART-VI**

### **LISTING OF CONTEMPT MATTERS**

12. (i) Every Criminal Contempt Petition and Contempt Appeal shall be heard and determined by a Bench of the High Court of not less than two Judges.
- (ii) Every Civil contempt petition shall be heard and determined by a Single Bench of the High Court.
- (iii) All Civil Contempt Petitions shall be listed before the same Bench which passed the order regarding which the contempt has been made/alleged to have been made.
- (iv) In case the order was passed by a Bench of Single Judge who has retired or is not available in the High Court then the matter shall be placed before the Chief Justice on the administrative side for order regarding listing of the matter.
- (V) If the order of which contempt is complained of was passed by a Division Bench it should be listed before the same Division Bench, if available. In case such Bench is not available then it should be listed before a Bench comprising of the Chief Justice and the other available Judge of that Bench. In case the Chief Justice is unable to hear the matter, it shall be placed before the Division Bench comprising of said Judge and any other Judge. If both the Judges are not available then the matter shall be listed before the Bench headed by the Chief Justice.

## **PART-VII**

### **MISCELLANEOUS**

13. Every person against whom proceedings are initiated under the Act may of right be defended by an advocate of his choice competent to appear before the High Court.
14. Warrant of commitment:- if a person charged with contempt is adjudged guilty and is sentenced to suffer imprisonment, a warrant to commitment and detention shall

be made out in Form IV under the signature of the Registrar(Judicial). Every such warrants shall remain in force until it is cancelled by order of the Court or until it is executed. The Superintendent of Jail shall, in pursuance of the warrant, detain the contemner in custody for the period specified therein subject to such further direction as the Court shall give.

15. (a) Paper Book shall be prepared in terms of provisions of High Court of Tripura Rules, 2023 (Chapter-VIII, Caption R). However, such paper book shall consist of the following documents:

(i) Reference or motion,

(ii) The objectionable material, if any, alleged to constitute contempt,

(iii) Any other document which the Registrar may deem fit to include or which the High Court may require.

(b) All relevant material brought on the record from time to time shall be included in each paper-book.

(c) In any such case, the Court may, at any stage, appoint an advocate for the conduct of the proceedings.

16. The rules contained in Chapter IX and X of the High Court of Tripura Rules, 2023, shall, in so far as they may be applicable, govern the processes issued under these rules.

17. The rule relating to the grant of copies and inspection or information of records contained in Chapter XIV of High Court of Tripura Rules, 2023, shall, in so far as they may be applicable, govern proceedings under the Act.

18. When any person is summoned by the High Court to appear as a witness in any proceedings under the Act, the expenses of such witness, as to be determined by the order of the High Court for the time being in force, shall be paid by the Registry out of the Contingency Fund; provided that the court may direct any party to such proceedings to expenses.

19. The High Court may direct any party to a proceeding under the Act to pay the costs thereof as determined by it to any other party thereto.
20. It shall be the duty of the Registrar (Judicial) to carry out, enforce and execute the orders passed by the High Court in any proceeding under the Act, and in particular, orders imposing fines or awarding costs.
21. Residuary powers: Nothing in these rules shall be deemed to affect the power of the Chief Justice to make such orders, from time to time as he may deem fit in regard to all matters incidental or ancillary to this rules not specifically provided for.

By order

Sd/-

**(Vishwajeet Pandey)**  
Registrar General

**FORM-I**

NOTICE TO A PERSON CHARGED WITH CONTEMPT OF COURT

[See Rule 10(2)]

IN THE HIGH COURT OF TRIPURA

**NOTICE**

To

.....  
.....  
.....

Contemnor/Respondent

Take notice that a Contempt Petition (a copy whereof with the Court's order dated \_\_\_\_\_ enclosed herewith) has been filed before this Court by the petitioner and that the Hon'ble Court by Order dated \_\_\_\_\_ passed in this case, was pleased to call upon you to show cause as to why a Contempt proceeding should not be initiated for willful disobedience of the Order dated \_\_\_\_\_ as prayed for; and/or any other order(s) shall not be passed as this Court may deem fit and proper in the circumstances of the case and that you are hereby called upon to show cause as directed in the said order within \_\_\_\_\_.

If no appearance is made by yourself or by your Advocate or by someone by law authorized to act on your behalf on the date of appearance/hearing, the matter will be heard and decided *ex-parte* in your absence.

Your are hereby also informed that free legal services from the Tripura State Legal Services Authority (TSLSA), High Court Legal Services Committee (HCLSC), District Legal Services Authorities (DLSAs) and Sub-Divisional Legal Services Committees (SDLSCs), as per eligibility criteria, are available to you and in case you are eligible and desire to avail the free legal services, you may contact any of the Legal Services Authorities/Committees.

The Notice is made returnable by \_\_\_\_\_.

Signed and sealed by order of the Court on this the \_\_\_\_\_.

By Order

Enclosed: \_\_\_\_\_

Registrar (Judl.)  
High Court of Tripura  
Agartala

**FORM-I A**

Notice to a person charged with contempt of Court

[See Rule 10(2)]

IN THE HIGH COURT OF TRIPURA

**NOTICE**

Whereas your attendance is necessary to answer a charge of Contempt of Court by (here briefly state nature of the contempt).

You are hereby required to appear in person (or by Advocate if the Court has so ordered) before this Court at Agartala on the .....day of.....20.....at 10.30 o'clock in the forenoon.

You shall attend the Court in person\* on the .....day of .....20.....and shall continue to attend the Court on all days thereafter to which the case against you stands adjourned and until final orders are passed on the charge against you.

Herein fail not.

Dated this.....day of .....20.....

(Seal)

By Order

Registrar (Judl.)  
High Court of Tripura  
Agartala

\*To be omitted where the person charged is allowed or ordered to appear by Advocate.

**FORM II**

WARRANT OF ARREST

[See rule 10 (5) ]

IN THE HIGH COURT OF TRIPURA

(Original Jurisdiction)

To

(Name and designation of the person/persons who is or are to execute the warrant).

Whereas .....of .....is charged with committing contempt of this Court, you are hereby directed to arrest the said .....and to produce him before this Court on the day.....day of.....20.....

Herein fail not.

(If the Court has issued aailable warrant, the following endorsement shall be made on the warrant).

If the said.....shall give bail in the sum of Rs.....with one surety in the sum of Rs ..... ( or two sureties each in the sum of Rs ..... ) to attend before this Court on the ..... day of ..... 20..... and to continue so to attend until otherwise directed by this Court, he may be released.

Dated this ..... day of .....20.....

(SEAL)

Registrar (Judl.)  
High Court of Tripura

**FORM III**

**BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT**

[See rule 8]

IN THE HIGH COURT OF TRIPURA

(Original Jurisdiction)

I..... (name) of ..... being brought before the Court of ..... /District Magistrate of ..... (or as the case may be) under a warrant issued to compel my appearance to answer to the charge of contempt of this High Court do hereby bind myself to attend the High Court on the ..... Day of ..... next, to answer to the said charge, and to continue so to attend, until otherwise directed by the High Court; and, in case my making default herein, I bind myself to forfeit to the Government of the State, the sum of rupees .....

Dated, this ..... day of .....20.....

Signature

I do hereby declare myself surety for the above-named of ..... that he shall attend before ..... this High Court on the ..... day of ..... next, to answer to the charge on which he has been arrested, and shall continue so to attend, until otherwise directed by the High Court; and, in case of is his making default therein, I bind myself to forfeit to Government of the State, the sum of rupees.....

Dated, this ..... day of .....20.....

**FORM IV**

WARRANT OF COMMITMENT FOR CONTEMPT

[See rule 10]

IN THE HIGH COURT OF TRIPURA

(Original Jurisdiction)

To the Superintendent (or Keeper) of the Jail at .....

Whereas this Court on this the ..... Day of ..... 20.....  
adjudged (name of the contemner with address) guilty of willful contempt of  
Court, and he has been sentenced to suffer imprisonment for a term and/or to  
pay a fine of rupees.....

This is to authorize and require you, the Superintendent (Keeper) of the  
said Jail to receive the said (name of the contemner) into your custody, together  
with this warrant, and him safely to keep in the said Jail for the said period of  
(term of imprisonment) or for such shorter period as may hereafter be fixed by  
order of this Court and intimated to you. You are directed to return this warrant  
with an endorsement certifying the manner of its execution.

You are further directed that while the said..... is in your custody,  
produce the said ..... before the Court, at all times when the Court  
shall so direct.

Given under my hand and the seal of the Court, this the ..... day  
..... of .....20.....

Registrar (Judicial)



Copy to:-

1. The Principal Secretary to Hon'ble the Chief Justice, High Court of Tripura, Agartala;
2. The Secretary to Hon'ble Mr. Justice T. Amarnath Goud, Judge, High Court of Tripura, Agartala;
3. The Secretary to Hon'ble Mr. Justice A. Lodh, Judge, High Court of Tripura, Agartala;
4. The Private Secretary-I to the Registrar General, High Court of Tripura, Agartala;
5. The Advocate General, Tripura, Agartala;
6. The Chairman, Bar Council of Tripura, Agartala;
7. The Government Advocate, High Court of Tripura, Agartala;
8. The Secretary, Tripura High Court Bar Association, High Court of Tripura;
9. The Secretary, Tripura Bar Association, Agartala,
10. The Public Prosecutor, High Court of Tripura, Agartala;
11. The Member Secretary, Tripura State Legal Services Authority, Agartala;
12. The LR & Secretary, Law Department, Government of Tripura, Agartala;
13. The Registrar (Vigilance), High Court of Tripura, Agartala;
14. The District & Sessions Judge, Dhalai District, Ambassa/ West Tripura District, Agartala/ North Tripura District, Dharmanagar/ Gomati District, Udaipur/ Khowai District, Khowai/ Unakoti District, Kailashahar/ Sepahijala District, Sonamura/ South Tripura District, Belonia;
15. The Director, Tripura Judicial Academy, Agartala;
16. The Secretary, HCLSC, High Court of Tripura, Agartala;
17. The Judge, Family Court, Ambassa, Dhalai District/ Dharmanagar, North Tripura District/ Kailashahar, Unakoti District/ Khowai, Khowai District/ Agartala, West Tripura District/ Sonamura, Sepahijala District/ Belonia, South Tripura District/ Udaipur, Gomati District;
18. The Registrar (Judicial), High Court of Tripura, Agartala;
19. The Registrar (Admn. P &M), High Court of Tripura, Agartala;
20. The Joint Registrar, High Court of Tripura, Agartala;
21. The Deputy Registrar(s), High Court of Tripura, Agartala;
22. The Chief Librarian, High Court of Tripura, Agartala for **information and necessary action**;
23. The Assistant Registrar(s), High Court of Tripura, Agartala;
24. The System Analyst, High Court of Tripura, Agartala **for uploading the notification in the official website of the High Court of Tripura, Agartala**;
25. The Manager, Government Press, Agartala, Tripura. He is requested to publish the said Notification in the next extra-ordinary issue of the Tripura Gazette and **send at least 5(five) copies of the same to the undersigned after publication**;
26. The Superintendants, Establishment Section/Recruitment & Rules/, High Court of Tripura, Agartala;
27. Concerned File(s).

Digitally signed by VISHWAJEET PANDEY  
Date: 2023.09.26 19:14:20 +05'30'

**Registrar General**