

**IN THE CONSTITUTIONAL COURT OF SEYCHELLES**

**[Corum: S. Nunkoo, M. Vidot, L. Pillay ]**

**CP 09/2017**

**[2018] SCCC 11**

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**MR DURAIKANNU KARUNAKARAN**  
Petitioner

versus

**THE TRIBUNAL**  
Respondent

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Heard:

Counsel: Mr. Boulle for petitioner

Mr. Chinnasamy for respondent

Delivered: 4<sup>th</sup> September 2018

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**ORDER**

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**Order of the Court**

1. In this matter, in the course of proceedings before the Court of 27<sup>th</sup> March, in the course of the hearing of the main case 09/2017, this Bench witnessed an incident. In fact what

we witnessed amounted to misbehaviour by Mr Karunakaran and it amounted to a contempt of Court.

2. Now the Bench witnessed Mr Karunakaran moving from this side where he was supposed to be and he went on the right side and we saw him speaking in the ears of Mr Chinasammy and at a particular point in time Mr Chinasammy got up very spontaneously and informed the Court about a language that was used by Mr Karunakaran against him and later on when asked as to what Mr Karunakaran had to say to Mr Chinasammy, Mr Karunakaran said "while he is my friend and I was advising him to do his case properly". Now there are two parts to it, we raised the Court and we came back and the Bench invited Mr Karunakaran to apologize to Mr Chinasammy. This in fact did not mean that after his apology the Bench could not have pursued any other action open to it.
3. So there was no apology though there was an Order from the Court and later on a summon was served upon Mr Karunakaran to show cause as to why contempt proceedings should not be continued against him.
4. We are satisfied that Mr Karunakaran is guilty of contempt of Court; that contempt occurred on the 27<sup>th</sup> March.
5. We therefore convict him of contempt of Court and we are sentencing him to pay a fine of Five Thousand Rupees (R5,000), failing which we order that he will serve a sentence of seven days imprisonment. We give him one month to pay the fine.
6. So this is the unanimous decision of this Bench.

Signed, dated and delivered at Ile du Port on 4th September 2018



S Nunkoo J  
**Presiding Judge**



M Vidot J  
**Judge of the Supreme Court**



L Pillay J  
**Judge of the Supreme Court**