

Committal or Other Order upon Proof of Disobedience of a Court Order or Breach of an Undertaking

In the	
BRENTFORD	
County Court	
Claim No.	Always quote this
	F00BF508

Between THE LONDON BOROUGH OF EALING Applicant

And AZATULLAH HAMDARD Respondent

Before Deputy District Judge Tear
Sitting at Alexandra Road, High Street, Brentford

on 30 January 2020

An application having been made by⁽¹⁾ London Borough of Ealing for committal of⁽²⁾ Azatullah HAMDARD to prison for disobeying the order dated 17 April 2019 as amended 26 April 2019. The relevant terms of the order and the allegations made by the applicant are recited on the attached notice to show good reason.

UPON a Public hearing, and hearing Mr Hopkins a Solicitor for the Claimant, and the Defendant who elected to be unrepresented, **AND** the Court being satisfied of the conditions with CPR Part 81.10 and PD 81.15 are met;

UPON the Defendant electing to proceed without legal representation, and making an admission at the first available opportunity, **AND** the Court being satisfied that it was correct to so proceed, the Defendant was in breach of the paragraph 1 of the Order and this was proven beyond all reasonable doubt following the admission;

UPON the Court considering the range of sentence in respect to the allegation, and offering the Defendant a further opportunity to obtain legal advice for sentence and mitigation of the offence, the Defendant elected to proceed to sentence; and

UPON the Court considering that the mitigation advanced that this was a first offence, after a period of time, and that the Defendant had made admission at the first available opportunity, and thus saved Court time and witness time in giving evidence to the issues, contained within the video recordings;

It is ordered that:

1. The Defendant is fined £120, for breach of the Order, to be paid into Court within 21 days.
2. A transcript of the judgment be provided at public expense on an expedited basis; and
3. The details contained within the Lord Chief Justice Practice Direction on committal be supplied to the email address judicialwebupdates@judiciary.gsi.gov.uk by the Court, alongside this order. The details are namely, that Mr Azatullah HAMDARD did enter the exclusion area, on the 29 January 2020, and was seen at 12:50 by a police officer, who stopped the and arrested the Defendant pursuant to the power of arrest within the Court Order. The Defendant was produced at the Brentford County Court, on the 30 January 2020 and elected to be unrepresented at both his hearing and sentencing for committal. The Defendant made an admission that he was within the exclusion area at the first available opportunity. Following the finding of these contempt and considering mitigation the Defendant was find £120.

Following terms:

PROVISION FOR COSTS

And it is ordered that there be no order for costs.

record of service, hearing and contempts found proved, see overleaf

Date

For

RECORD OF SERVICE, HEARING AND CONTEMPTS FOUND PROVED

At the hearing

- (1) THE LONDON BOROUGH OF EALING was represented by Mr Baumohl
- (2) AZATULLA HAMDARD WAS UNREPRESENTED

And the court heard the admission of Azatullah HAMDARD

And the court is satisfied having considered the facts that Azatullah HAMDARD, the Defendant is guilty of contempt of this court by disobeying the Order dated 17 April 2019 as amended 26 April 2019 by

On 19 January 2020, the Defendant at 12:50 hours was within the exclusion area contrary to Paragraph 1 of the Order

And the Court did Fine the Defendant £120.00 for breach of the order.

RECORD OF SERVICE

Service of Injunction Order with Penal Notice incorporated or indorsed.

(Order dated
(for substituted) (dispensing with) service)
Service on

- Certificate of service
- Dated
- Certificate of bailiff
- Oral evidence of

Service of Notice to show good reason in form N78

(Order dated
(for substituted)(dispensing with) service)
Service took place in face of Court on

- certificate of service
- dated
- certificate of bailiff
- oral evidence of

Arrest under warrant of arrest

Respondent arrested on
by
in accordance with a
Warrant of arrest issued
On

Service of Immediate Custodial Order

I (*name of officer*) certify that I served the contemnor with a copy of this order by:

Delivery by hand to the contemnor before he was taken from the court building or other place of arrest to the place of detention

delivery by hand to the contemnor at (*time*) on (*date*) at (*place*)

Where a suspended committal order is made, the applicant is responsible for service. (Rules of the Supreme Court Order 52 rule 7(2).)
Where there is a suspended committal order or penalty is adjourned on terms, personal service is advisable.