

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

In the County Court sitting at Clerkenwell & Shoreditch

Between

London Borough of Tower Hamlets

Claimant

Monsur Hussain

Defendant

Claim No. G03EC093



Before DJ Bell

Sitting at The County Court at Clerkenwell and Shoreditch on 2nd March 2021

~~1. An application having been made by _____ for committal of _____ to prison for disobeying the order [breach of undertaking] and the allegations made by the application are recited on the attached notice to show good reason~~

~~OR~~

2. Whereas Monsur Hussain has been suspected of a breach of the attached Order dated 14th January 2021 and has been arrested by a constable and brought before the Judge under section 9 of the Anti-Social Behaviour, Crime and Policing Act 2014

3. AND Upon the Defendant admitting the breach of clause 4 of the injunction order

4. AND the Court finding that the Defendant has breached clause 3 of the injunction order

----- IMMEDIATE CUSTODIAL ORDER -----

~~It is ordered that be committed for contempt to HMP _____ for a (total) period of _____ days (or until lawfully discharged if sooner, and that a warrant of arrest and committal be issued forthwith.~~

~~AND the contemnor can apply to the Judge to purge his contempt and ask for release.~~

~~[And, as the court by order dated _____ dispensed with service of the notice of application for a committal order, It is ordered that the contemnor be brought before a judge of this court as soon as practicable~~

----- ALTERNATIVE DISPOSAL -----

It is ordered Monsur Hussain be committed for contempt to prison for a (total) period of 20 days

The order is suspended until 13th January 2023 and will not be put in force if during that time the contemnor comply with the following terms:

Comply with the injunction order dated 14th January 2021

And it is further ordered that in the event of non-compliance any application for issue of the warrant shall be made to a judge (on notice to the contemnor)

AND it is further ordered that service of this order shall be by emailing a copy to Edwards Duthie Solicitors.

The Defendant has been explained the contents of this Order and the consequences of any further breach

It is ordered that _____ be fined the sum of £ _____ to be paid into the office of the court by

It is ordered that consideration of the penalty for the contempts found proved be adjourned until _____ and may be restored for decision during that time if _____ does not comply with the following terms:

----- PROVISION FOR COSTS -----

And it is ordered that: The Defendant do pay our costs such costs not to be enforced until an assessment has been carried out section 42 LASPO 2014

The Defendant shall pay the Claimant's costs [summarily assessed in the sum of £ _____ by _____] [subject to detailed assessment if not agreed] [subject to s.26 of the Legal Aid, Sentencing and Punishment Act 2012]

The court office at Gee Street Courthouse, 29-41 Gee Street, London EC1V 3RE is open from 10 am to 4 pm Monday to Friday. When corresponding with the court, please address forms and letters to the Delivery Manager and quote the case number.

N79 Committal or other order upon proof and disobedience of a court order or breach of undertaking (01-17)

RECORD OF SERVICE, HEARING AND CONTEMPTS FOUND PROVED

At the hearing

The Claimant [~~was represented by Counsel/Solicitor~~] [~~did not attend~~]
 The Defendant was represented by Counsel/Solicitor [~~did not attend~~]

The court read the witness statements of PC Arif PC Herbert	sworn/signed on 9 th February 2021 and 18 th February 2021 16 th February 2021
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And the court heard oral evidence given by
PC Herbert
PC Arif
Monsur Hussain

And the court is satisfied having considered the facts disclosed by the evidence and admitted in court by him that has been guilty of contempt of this court by disobeying the order dated 14th January 2021 by

- | | |
|--|---|
| 1. On the 9 th February 2021 by breaching clause 3, by loitering in Shadwell Gardens

2. On the 9 th February 2021 by breaching clause 4 by being with three other persons | 20 days

10 days

To run concurrently

TOTAL: 20 days |
|--|---|

----- **RECORD OF SERVICE** -----

Service of Injunction Order with Penal Notice incorporated or indorsed (Order dated 14 th January 2021 [for substituted] [dispensing with] service) <input checked="" type="checkbox"/> certificate of service dated 27 th January 2021 <input type="checkbox"/> certificate of bailiff <input type="checkbox"/> oral evidence of	Service of Notice to show good reason in form N78 (Order dated [for substituted] [dispensing with] service) <input type="checkbox"/> certificate of service dated <input type="checkbox"/> certificate of bailiff <input type="checkbox"/> oral evidence of	Arrest under warrant of arrest respondent arrested on by in accordance with a warrant of arrest issued on
Service of Suspended Custodial Order Service to be by emailing a copy to Edward Duthie solicitors. The Defendant was explained all the terms of the suspension and the injunction order and warned of the consequences of any breach and that the suspended sentence will be activated I (<i>name of officer</i>) certify that I served the contemnor with a copy of this order by <input type="checkbox"/> delivery by hand to the contemnor before he was taken from the court building or other place of arrest to the place of detention <input type="checkbox"/> delivery by hand to the contemnor at (<i>time</i>) on (<i>date</i>) at (<i>place</i>) Where a suspended committal order is made, the applicant is responsible for service. (Civil Procedure Rules, rule 81.29) Where there is suspended committal order or penalty is adjourned on terms, personal service is advisable.		

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