

(1971) 01 PAT CK 0009
In the Patna High Court
Case No : Misc. Judicial Case No. 53 of 1969
In Re: Tapeswar Misra

Date of Decision : 08-01-1971

Acts Referred:

Contempt of Courts Act, 1971 — Section 3

Citation : AIR 1972 Patna 16

Hon'ble Judges : U.N. Sinha, C.J; K.B.N. Singh, J

Bench : Division Bench

Advocate : R.P. Katriar, for the Appellant; G.S. Prasad, for the Respondent

Judgement

1. By order dated the 10th April 1869, passed in First Appeal No. 113 of 1963, notice was issued to Tapeswar Misra, respondent in the first appeal, to show cause why a proceeding should not be started against him for contempt of court for addressing a letter to T. Nath and K.K. Dutta JJ. of this Court. The letter has been incorporated at Page 1 of the paper-book. Tapeswar Misra, it is stated by his learned counsel, was present in this Court on many occasions and the last adjournment granted in this case was on 20th March 1970, when the case was ordered to be put up on 30th April 1970. Thereafter this case has come for hearing today and it is stated that Tapeswar Misra has not been able to be present in Court, as he has no notice of the hearing today. We have heard learned counsel for the contemner and Sri R.P. Katriar, who has appeared for the State of Bihar. Tapeswar Misra has sent a letter of apology which is at Page 5 of the paper-book tendering unconditional apology and asking for pardon. It is clear to us, on a perusal of the letter on which notice was issued to Tapeswar Misra, that he was under some emotional strain under which he had sent the letter in question and, in the circumstances of the case, we accept his unconditional apology and discharge the rule issued against him.