
(1968) 09 DEL CK 0003

In the Delhi High Court

Case No : Criminal Original Appeal No. 21 of 1968

In the matter of: Contempt of H.L. Sehgal

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 12-09-1968

Acts Referred:

Citation : (1985) ILR Delhi 921

Hon'ble Judges : I.D. Dua, C.J;S.K. Kapur, J;Narain Andley, J

Bench : Full Bench

Advocate : Party in person and V.D. Misra, for the Appellant;

Judgement

I.D. Dua, C.J.

(1) (ORAL). The condemner Shri H. L. Sehgal has stated before us that lie confines his defense to paragraph 1 of the reply dated 27-5-1968 and that he is sorry te have added the remaining paragraphs Nos. 2 and 3 in that reply. We arc satisfied that the contemner did not intend to commit contempt of Court and perhaps in his enthusiasm, he was misled into ventilating his grievances in this reply.

(2) Action by way of contempt of Court is a serious matter. In this action, the Court is both ,the accuser and the judge of the accusation. The position is the same whether the alleged contempt is of a subordinate Court or of this Court. It thus behaves the Court to act with due circumspection, making appropriate allowances for common human failings within reasonable limits. Whereas the Court must always be jealous in vindicating its dignity and impartiality, at the same: time, the Court must exercise its power with restraint and care, always distinguishing cases where there is a deliberate and conscious contempt of Court which is unexplainable, from, cases where a person has innocently been induced by certain circumstances or factors to say something improper, which may perhaps be on the border line of the law. The "major offending paragraphs "in the review application in. the court of the Subordinate Judge have, in the present

ease. already been deleted by the contemner from the portion of the pleadings which were reported to this Court by the learned Subordinate Judge,. They were in fact deleted .as early as 1-3-1968. Now a litigant may have a grievance in a matter bedded by the Courts, but that cannot justify use. of intemperate or improper language by the aggrieved party in reference to Courts.

(3) As we are satisfied that it was either -under some misguided zeal or under the influence of some other uncontrolled impulse which induced the contemner to make the objectionable observations, and finding that the same were deleted at the earliest opportunity, we discharge the rule and .make no order as to costs. We, -however, do warn the contemner that in future lie Should be more careful.