

(1994) 02 MP CK 0033

In the Madhya Pradesh High Court

Case No : M.C.C. No"s. 219 and 224 of 1993

Jitendra Maheshwari and Another

APPELLANT

Vs

Govind Roy and Others

RESPONDENT

Date of Decision : 04-02-1994

Acts Referred:

Contempt of Courts Act, 1971 — Section 11, 12, 15, 15(2), 2

Citation : (1995) CriLJ 1514

Hon'ble Judges : S.K. Dubey, J;S.K. Chawla, J

Bench : Division Bench

Advocate : J.D. Suryavanshi, Government Advocate on behalf of A.G. and Vinay Kant Sharma, in M. C.C. No. 2241/93 Present in Person, for the Appellant; M.M. Kaushik, for contemnors and Contemnors Govind Ray, Sanjay Roy Manoj Roy and Kamleshwari Roy, for the Respondent

Judgement

1. Contemner No. 1 Govind Roy is the Chief Editor of the weekly "Shilalekh", which is published from Delhi and Gwalior. Contemner No. 2, Sanjay Roy is the Editor of the said weekly paper. Contemner No. 3, is the Director/publisher of Bhuwan Publications, Pvt. Ltd. and Contemner No. 4, Smt. Kamleshwari Roy, is the printer of the said weekly.

2. An editorial was published in the weekly dated 15-21st August, 1993 at p.2, under the caption, "BHRASHTA NYAYAPALIKA AUR AAM AADMI". Smt. Renu Sharma, Third Additional Judge to the Court of the District Judge, Gwalior, has made a reference u/s 15(2) of the Contempt of Court Act, 1971, for short, the "Act", the said publication being highly contemptuous which maligns and, undermines the reputation and dignity of the judicial system as a whole and the officers working there in and Advocates, in particular. Two Advocates of this Court also filed a petition for taking action under Sections 11, 12 and 15 of the Act.

3. All the four contemnors, today, filed a reply in both the matters and submitted that they never intended to undermine the dignity of the Court. The contemnors

have also stated that they withdraw the publication and tender unconditional apology. Shri M. M. Kaushik, learned counsel, appealing for the contemnors, submitted that the contemnors do not justify their action and, therefore, the apology be accepted and the contemnors be pardoned.

4. A bare look to the publication shows that it contains highly objectionable and scandalizing remarks about the courts, Advocates and the staff working in the judiciary. The editorial is calculated and designed to bring the Judiciary into ridicule with a view to shake the confidence of the people in it. It lowers down the respect of the Judiciary and destroys public confidence. In fact, it lowers down the prestige of Judges and the Court in the eyes of the people, thus, it is a clear case of contempt of Court. Therefore, merely by tendering the apology and stating that the publication was made of the general type, the contemnors cannot be let off and apology will not purge the contempt.

5. In our opinion, it is a clear case of Court's criminal contempt as defined u/s 2(c) of the Act, which is punishable u/s 12 thereof, therefore, the contemnors are liable to be punished. Shri Kaushik submitted that the contemnors have tendered apology at the first instance and did not dispute nor justify the publication, therefore, a lenient view be taken in the matter.

6. Considering all the facts and circumstances of the case and in view of the fact that the contemnors have tendered apology, we direct contemner Govind Roy to deposit a fine of Rs. 1,000/- and the remaining contemnors to deposit a fine of Rs. 500/- each and to suffer sentence till rising of the Court. We also direct that in the next publication (reportedly, due on Friday next), the contemnors will publish the apology, tendered today, in their weekly.

7. All the contemnors are hereby warned to be utmost careful in future in the matter of publication of such material.

8. A copy of this order shall be placed on records of both cases.