

(2010) 04 SC CK 0029

In the Supreme Court Of India

Case No : Civil Appeal No. 3607 of 2002

S. Sharat Kumar and Another

APPELLANT

Vs

State of Andhra Pradesh and Others

RESPONDENT

Date of Decision : 27-04-2010

Acts Referred:

Constitution of India, 1950 — Article 215

Citation : (2010) 2 OLR 257 : (2010) 4 SCALE 439

Hon'ble Judges : K. S. Panicker Radhakrishnan, J;H. L. Dattu, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. This civil appeal arises out of an order passed by the High Court of Judicature, Andhra Pradesh at Hyderabad in Suo Motu Contempt Case No. 974 of 1999 dated 19th February, 2002. By the impugned order, the High Court held that the appellants have committed act of contempt under the provisions of Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India and sentenced each of them to one month's simple imprisonment. However, in the interest of justice, the High Court has observed that the sentence shall remain suspended for a period of one year. It further observed that if, during the period of one year, the contemnors are punished again in a contempt proceeding, the order sentencing them shall become operative automatically; however, if they are not convicted for contempt during the period of one year, the sentence of imprisonment awarded against them shall not be carried out.

2. This Court, while entertaining the special leave petition, granted an interim order in favour of the appellants. That interim order is still in operation.

3. At the time of hearing of the civil appeal, the contemnors have filed affidavits. In that affidavits they have offered unconditional apology for having written the controversial news items in one of the newspapers. The contemnors are advocates and they were also journalists at the relevant point of time.

4. Taking into consideration the unconditional apology offered by them, in our opinion, the sentence of imprisonment imposed on the appellants by the High Court requires to be set aside. Accordingly, we take the affidavits filed by the two contemnors on record and set aside the conviction and sentence imposed on them by the High Court. We hope and trust that the contemnors shall not commit the contempt again and shall not write any articles in any newspapers, which would not only bring down their prestige but also the prestige of the Institution.

5. The civil appeal is, accordingly, allowed.