
(2003) 09 AP CK 0094

In the Andhra Pradesh High Court

Case No : CC No. 1103 of 202 in Tr. Criminal MP No. 2767 of 2002

State of Andhra Pradesh

APPELLANT

Vs

M. Satyanarayana Rao and Others

RESPONDENT

Date of Decision : 17-09-2003

Acts Referred:

Contempt of Courts Act, 1971 — Section 2

Citation : (2003) 6 ALD 343 : (2004) 1 APLJ 14

Hon'ble Judges : K.C. Bhanu, J; Bilal Nazki, J

Bench : Division Bench

Advocate : Advocate General, for the Appellant; V.T.M. Prasad, for Respondent No. 1, B. Nalin Kumar, for Respondent Nos. 2 and 3 and K.S.N. Murthy, for the Respondent

Judgement

Bilal Nazki, J.—This is a contempt petition referred to us by the learned Single Judge of this Court as he found that the 1st respondent was guilty of Criminal Contempt.

2. The facts which related to initiation of contempt proceedings against the respondents are given in detail in the order of reference, but certain facts need to be reproduced. It appears that one Sri P.Rama Subha Reddy is a Minister in the State Cabinet. He is an accused in a case being Sessions Case No. 473 of 1993. This case was pending before the II-Additional Sessions Judge, Mahaboobnagar. Some of the witnesses in that case filed an application in the High Court being Tr. CrI.M.P. No. 2767 of 2002 seeking transfer of the case to any Court outside Mahaboobnagar District. The High Court ordered the transfer of the case from the file of the II-Additional Sessions Judge, Mahaboobnagar to the file of Metropolitan Sessions Judge, Hyderabad. Thereafter a news item appeared in Eenadu Telugu Daily Newspaper on 14.9.2002 with a caption "Mantri Kosame Casu Badili" (Transfer of the case only for the convenience of the Minister). The attention of the learned Single Judge who had decided Tr.CrI.M.P. No. 2767 of 2002 was drawn to this news item by an Advocate Sri Ravi Shankar Jandhyala.

The news item revealed that the 1st respondent-M. Satyanarayana, P.C.C. President, Hyderabad in a press meet had stated that the case against the Minister Sri P.Rama Subba Reddy was transferred to Hyderabad from Mahaboobnagar only for his convenience. The learned Single Judge found that although there was an allegation against the Minister in the news item, but it was an insinuation against the Court, therefore he suo motu ordered initiation of contempt proceedings against three persons which included M. Satyanarayana Rao, P.C.C. President, Hyderabad, Editor and Publisher of Eenadu Daily Newspaper, Hyderabad and Reporter of Eenadu Telugu Daily Newspaper, Hyderabad.

3. After notices were issued, counter-affidavits were filed by Respondents 1 to 3 and the case was listed on 15.11.2002 before the learned Single Judge. On that day it was brought to his notice that two other newspapers i.e., Vaartha and Andhra Bhomi had also carried the same report. Notices were also issued to them and they were added as respondents 4 to 7. They also filed counter-affidavits before the learned Single Judge. All the respondents filed apologies before the learned Single Judge. The apologies of respondents 2, 4 and 6 were accepted without any reservations. The apologies of Respondents 3, 5 and 7 were accepted with a warning to be careful in future. The apology of 1st respondent was not accepted for the following reasons:

"Since the first respondent, a person with legal background, who should know that Sessions Case can be transferred by High Court only, did not even think it fit to give a press statement that he is sorry for making the comment, and had, in the first instance, denied having made the statement, and came up with an apology subsequently, his apology, prima facie, is a born . So, his case has to be decided by a Division Bench."

4. We are not concerned with the respondents others than the 1st respondent. In the counter-affidavit filed before the learned Single Judge the 1st respondent stated in para-3,

"3. At the outset I humbly submit that I have not made the comments attributed to me in the Eenadu Newspaper dated 14.9.2002 under the caption "Mantri Kosame Casu Badili" (Case was transferred only for the convenience of the Minister). I have not said it and I deny it. When one of the reporters mentioned that the case against the concerned Minister "has been transferred to Hyderabad, I reacted to it. I remember having said that it is the said Minister who should be held responsible for it. Loosely translated into Telugu it would read as "Badiliki Mantri Karanam" Or "Mantri Valane Badili". I said it in the sense that the Minister has brought it upon himself. This has been torn out of context; misinterpreted and misconstrued by the Eenadu Newspaper and wrongly reported as "Mantri Kosame Casu Badili". I once again humbly submit that I did not say it."

In para-8 he added:

"I am second to none when it comes to upholding the majesty and dignity of the Courts and Judiciary. I tender my unconditional apology if this Hon"ble Court is pleased to arrive at a conclusion that I am in contempt and that I have committed contempt of this Hon"ble Court."

5. Thereafter an affidavit was also filed by him which contained only an apology. This affidavit reads as under:

"1. I am the first respondent herein and President of the Andhra Pradesh Congress Committee.

2. I tender my unconditional apology for all the events leading to the publication of the news item in Eenadu on 14.9.2002 under the caption "Mantri Kosame Casu Badili" and publication to that same effect in other newspapers of the same day.

3. I tender my unconditional apology for the anguish and pain that the said news item has caused this Hon"ble Court.

4. I have the greatest respect for this Hon"ble Court and the orders made by it."

6. When the matter came before us, the 1st respondent appeared in person and tendered an apology in person, We feel that the 1st respondent, though in his first, affidavit had tried to get out of the contempt by saying that what he had stated in the press meet had not been reported in the context he had stated it, however, he added his apology in the same affidavit. Later on by an affidavit without offering any explanation he tendered an unconditional apology also. When he appeared in person, we asked him that he has a legal background and had been a Standing Counsel for Union of India for several years and has been a Member of Parliament and also a Member of Legislative Assembly, he should have known that a sessions case could not be transferred except by an order of the High Court. He stated that since long time he has given up practice, and he could not appreciate that he should not have made comments he made. Therefore he has expressed his regrets and expressed an unconditional apology. Apologies have been liberally accepted by the Courts because it has never been the intention of the Courts to punish people who commit contempt and then sincerely repent. We have no reason to believe that the apology tendered by the 1st respondent is not sincere. In fact the apology had been tendered in the first affidavit he filed before the learned Single Judge. Though he had tried to plead that whatever had been attributed to him by the press had been reputed act of content but later he came with an unconditional apology. In the open Court also he apologized in person. Therefore, we accept the apology of the 1st respondent and close the contempt with regard to him.

7. It has come to our notice a Minister continues to be a member of the State Cabinet although he has been charged with a case of murder. There is no provision in the Representation of People Act or in the Constitution of India which disqualifies him to be a Minister, but at the same time such instances raise

questions with regard to the working of democracy and the democratic institutions, but these questions have essentially to be answered by the representatives of the people through Parliament or State Legislatures and these high Constitutional Institutions should reflect the people's will at large. With these observations, the matter is closed.