

Supreme Court of India

R. J. Mehta vs State Of Maharashtra on 9 September, 1993

Equivalent citations: 1994 SCC, Supl. (2) 503

Author: K J Reddy

Bench: Reddy, K. Jayachandra (J)

PETITIONER:

R. J. MEHTA

Vs.

RESPONDENT:

STATE OF MAHARASHTRA

DATE OF JUDGMENT 09/09/1993

BENCH:

REDDY, K. JAYACHANDRA (J)

BENCH:

REDDY, K. JAYACHANDRA (J)

RAY, G.N. (J)

CITATION:

1994 SCC Supl. (2) 503

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. Heard learned counsel for the parties.

2. The appeal arises under the Contempt of Courts Act. The contemnor is the appellant and he was found guilty under Section 12 of the Act and sentenced to suffer simple imprisonment till rising of the Court and to pay a fine of Rs 500 in default of payment of which to further suffer simple imprisonment for two weeks.

3. The case is that the appellant who is a trade union leader released a statement to the Press which was published in the Times of India making certain disparaging remarks against the Industrial Labour Courts. Notice was issued and the Division Bench of the High Court in an elaborate order considered all the contentions raised and ultimately awarded the conviction. Questioning the same, the present appeal has been filed. It is urged before us that the appellant filed an apology by way of

an affidavit expressing his regrets about the report mentioned in the papers and that he intends to unconditionally withdraw the allegations and charges made in the report and therefore in such a situation the court should have accepted the unconditional apology instead of convicting the appellant. We are unable to agree with the above submissions. The provisions of the definition of criminal contempt are fully attracted and in the circumstances the Court is not bound to accept apology. It is well-settled that sometimes apology is not a weapon of defence to purge the guilt and under all circumstances it can be allowed and to be ignored even in special circumstances. The High Court, however, taking into consideration all the circumstances awarded a very lenient sentence. We see no ground to interfere. The appeal is dismissed accordingly.