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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS.(CRL) 5/2016**

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Judgment dated 30th May, 2016

INDIAN COUNCIL OF LEGAL AID & ADVICE Petitioner

Through : Mr.Avadh Kaushik, Adv. for the
petitioner.

Mr.Jatan Singh, Adv. & Vice-President of
Delhi High Court Bar Association.

Mr.R.K. Saini, Advocate

versus

ABHINAV GARG & ORS Respondents

Through : Mr.Sudhir Nandrajog, Sr. Adv. with
Mr.K. Datta, Mr.Ashish Verma and
Mr.Rahul Malhotra, Advs. for
respondents no.1 and 2 along with
respondent no.1.

CORAM:

HON'BLE MR. JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Present contempt petition has been filed under Sections 11 and 12 read with Section 2(C) of the Contempt of Courts Act, 1971, with a prayer that this Court may initiate *suo motu* action against the respondents for committing criminal contempt.
2. In the petition, it is alleged that respondents, more particularly respondents no.1 and 2, in a planned and concerted manner, in order to target a particular Judge, has published an Article dated 17.5.2016 in the daily, '*The Times of India*', with a malafide and malicious intention,

and ulterior motive.

3. Notice in this petition was issued on 19.5.2016 to respondents no.1 and 2. The Court was informed by the Secretary of Delhi High Court Bar Association that the Delhi High Court Bar Association had passed a Resolution condemning the act of respondent no.1 in publishing the Article dated 17.5.2016. This Court had directed respondent no.1 to remain present in Court on the next date i.e. 26.5.2016. On 26.5.2016 respondent no.1 was present in Court along with his counsel. At the first opportunity available, respondent no.1 tendered an unqualified apology to the Court. We had then adjourned the matter for today to enable respondent no.1 to file the apology on affidavit.
4. Respondent no.1 has tendered an unqualified apology by way of an affidavit. In the affidavit, respondent no.1, while tendering the unqualified and unconditional apology has, *inter alia*, deposed that the article dated 17.5.2016, which was authored by him, was not published in The Times of India newspaper with any intention to either scandalise or lower the authority and dignity of the Court or to cause prejudice or to interfere with the due process of judicial proceedings and the administration of justice. Respondent no.1 has also deposed that the allegations in the news item published on 17.5.2016 are the allegations in the letter and neither he nor the newspaper ascribed to those allegations. The apology has also been tendered for any hardship or adversity, which may have been caused to the learned Judge.
5. Additionally, respondent no.1 has agreed to publish the apology as per draft submitted in the Court and as agreed upon by learned counsel for the petitioner as well and as per the font agreed upon in Court within this week itself.
6. Heard counsel for the parties. Having regard to the fact that the

unconditional apology was tendered at the first opportunity available, we are inclined to accept the apology, which has been tendered. Accordingly, the apology tendered is accepted subject to publication of the same within this week itself and as per the draft submitted in Court and as per the agreed font.

7. In view of the apology so tendered, the notice of contempt is discharged.
8. Contempt petition stands disposed of.

MAY 30, 2016
msr



G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J