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Order dated : 18.10.2022
Sub Application (OS) No.459 of 2022
in Contempt Petition No.1699 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

**Sub Application (OS) No.459 of 2022
in
Contempt Petition No.1699 of 2021**

R.D.Santhanakrishnan
S/o.Devarajan

... Petitioner

Vs.

The Registrar General,
Madras High Court,
Madras - 600 104.

... Respondent

Sub-Application filed u/s.12 of the Contempt of Courts Act r/w Rule 14 of the Rules framed by the High Court of Madras under Section 34 (1) of the Advocates Act r/w 151 of the Code of Civil Procedure.

For Petitioner : Mr.M.Devaraj



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ORDER

[Made by **P.N.PRAKASH, J.**]

The petitioner was convicted and sentenced u/s.2(c)(i), 2(c)(ii) and 2(c)(iii) r/w Section 12 of the Contempt of Courts Act, 1971, in *Suo Motu* Crl.Contempt Petition No.1699 of 2021 on 12.04.2022.

2. It may be pertinent to extract paragraph No.13 of the order dated 12.04.2022:

"13. Coming to the substantive sentence of imprisonment, when the fact remains that Santhana Krishnan has surrendered and shown remorse, we should temper justice with mercy and not flog him to assert our might. The power of the ocean does not lie in its tumultuous tides but in its meditative vastness. *Ergo*, we sentence him to undergo simple imprisonment for two weeks for each charge, which shall run concurrently, and pay a fine of Rs.2,000/- for each charge (totally Rs.6,000/- for 3 charges), in default to undergo one week simple imprisonment for each charge. However, since Santhana Krishnan has already undergone 34 days of incarceration, the substantive sentence of imprisonment imposed on him shall stand set off against the period of incarceration he had already undergone pursuant to his arrest and detention in CB-CID Cr.No.13 of 2021. On our request, Mr. Hasan Mohamed Jinnah, learned Public Prosecutor and Mr. R. Muniyapparaj, learned Additional Public Prosecutor, assisted this Court by making available the investigation files of the CB-CID, for which, we place on record our appreciation.



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4. In *Pravin C.Shah v. K.A.Mohd.Ali and another*¹, the Supreme Court in paragraph No.31, has observed as follows:

"31. Thus a mere statement made by a contemnor before, court that he apologises is hardly enough to amount, to purging himself of the contempt. The court must be satisfied of the genuineness of the apology. If the court is so satisfied and on its basis accepts the apology as genuine the court has to make an order holding that the contemnor has purged himself of the contempt. Till such an order is passed by the court the delinquent advocate would continue to be under the spell of the interdict Contained in Rule 11 of the Rules."

5. In the present affidavit dated 17.08.2022, the petitioner has stated as follows:

"11. I submit that I had in the initial stage itself, had unconditionally surrendered and repented for the incident and sincerely apologized. Further and also paid the amount as per the directions of this Hon'ble Court in compensating the victim and having undergone the punishment, prayed that this Hon'ble Court may be pleased to purge me of the Suo Motu contempt proceedings.

15. ... I state that I have realized that I have been badly punished for the act of mine on account of this unfortunate incident. I once again express my unconditional apology and regret submissively and further I undertake that I will maintain good behaviour in future. ..."

¹ (2001) 8 SCC 650



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6. In the light of the above, we are inclined to accept the apology tendered unconditionally by the petitioner as genuine and purge him of the contempt.

Accordingly, this Sub-Application is allowed.

[PNP, J.] [TKR, J.]
18.10.2022

Index: Yes/No
gm



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