

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(217)

**2023:PHHC:123029-DB
CROCP-86-2019
Date of Decision: 19.09.2023**

Court on its own motion

--Petitioner

Versus

K.L. Sharma

--Respondent

**CORAM:- HON'BLE MR. JUSTICE G.S. SANDHAWALIA.
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN.**

Present:- Ms. Ritu Punj, Advocate, Amicus Curiae.

Mr. Adarsh Jain, Advocate for the respondent-contemnor.

G.S. SANDHAWALIA.J (Oral)

1. The present criminal contempt petition had been initiated on a reference received from Mrs. Neerja Kulwant Kalson, the then District & Sessions Judge/Presiding Officer, MACT, Mewat vide communication dated 22.08.2019 regarding the act and conduct of the respondent-contemnor Shri K.L. Sharma, Advocate.

2. On 18.07.2023, the following order was passed by this Court:-

“Present criminal contempt petition has been initiated on a reference received from Mrs. Neerja Kulwant Kalson, the then District & Sessions Judge/Presiding Officer, MACT, Mewat, vide communication dated 22.08.2019 regarding the act and conduct of the respondent-contemnor Shri K.L. Sharma, Advocate. Resultantly, contempt notice was issued on 12.12.2019 and a reply has also been filed by way of affidavit. We have gone through the written statement filed by the respondent-contemnor and has found that contemnor had remained President of the Bar Association from the year 1991 to 2000 and also Municipal Councillor from the period 1987 to 1988 and also Vice-President of the Municipal Committee for the year 1997 to 1998. In paragraph No.16 of the written

statement the respondent-contemnor has given his unconditional and unqualified apology though in the paragraphs preceding he has tried to justify the issue as such. Paragraph no.16 reads as under:-

“16. That the Answering Respondent holds this Hon’ble Court and all Courts, higher and subordinate to it, and all Presiding Officers in High Esteem, and in his Career of 40 years, the Answering Respondent has never given any chance of complaint, much less in this case. However, as an act to mitigate the unfortunate incident of 20.8.2019, the Applicant-Answering Respondent tenders unconditional and unqualified apology to this Hon’ble Court for any advertent or inadvertent act or conduct on account of being Counsel in the matter.”

Apparently the issue has arisen on account of the fact that the respondent-contemnor tried to overawe the Presiding Officer at Mewat. However, keeping in view the fact that he has considerable standing and is well placed in the society, we are of the considered opinion that if he tenders his unconditional and unqualified apology before the officer concerned and gives an undertaking that he would not behave in the future also in the manner he has done, the matter can be put to a quietus.

Accordingly, we defer the proceedings for 04.09.2023.

Let, an affidavit be filed by the respondent-contemnor regarding the fact of tendering apology before the Court concerned and by putting in personal appearance before the said Officer. A report by also obtained from the said Court/Officer regarding the apology tendered, if any.”

3. An affidavit has been tendered today by the respondent-contemnor, who is present in person mentioning his unconditional and unqualified apology before the officer concerned, who is now posted as District & Sessions Judge, Rohtak. It has also been averred in the affidavit that the same is being filed regarding the fact of tendering apology before the court concerned and by putting in personal appearance before the said

officer. The relevant part of the affidavit reads as under:-

“I, the above named deponent do hereby solemnly affirm and state as under:-

*1. Regarding the incident of 20.8.2019, it is submitted that the Answering Respondent never even thought of mis-behaving with the Presiding Officer of the MACT, but the unfortunate incident came to happen. In compliance of the Order of this Hon'ble High Court dated 18.7.2023, the Deponent has tendered his unconditional and unqualified apology before the District & Sessions Judge, Rohtak, copy **Annexure R.1** and gives an undertaking that he would not behave in the future, in the manner he has done. This affidavit is being filed regarding the fact of tendering apology before the Court concerned and by putting in personal appearance before the said Officer. The Rule may kindly be Discharged.”*

4. We have also got a communication from the said officer dated 18.8.2023, wherein it has been acknowledged by the said officer that the respondent-contemnor appeared before the said officer and tendered the affidavit as per directions of this Court.

5. Accordingly, keeping in view the fact that the respondent-contemnor has put in 40 years of professional career and that in the earlier affidavit it is mentioned that he has tendered unconditional and unqualified apology to this Court for any advertent or inadvertent act or conduct, we are of the considered opinion that the proceedings for contempt against the respondent-contemnor need not be carried forward. Rule is discharged.

6. Disposed of.

(G.S. SANDHAWALIA)
JUDGE

19.09.2023
lucky

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No