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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 10.01.2024

+ CONT.CAS.(CRL) 6/2023

COURT ON ITS OWN MOTION

..... Petitioner

Through:

Versus

SUBHASH CHAND JAIN

..... Respondent

Through: Mr.Kamal Kant Jha, Mr.Avinash Singh, Advs. with respondent in person.

CORAM:**HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The present contempt petition has been registered in pursuance to the suo moto cognizance taken by learned Single Judge of this Court vide order dated 20.03.2023 in RFA 322/2022.

2. The directions issued by the Court read as under:

“16. Additionally, Appellant No. 1 filed false Affidavit before this Court knowing fully well that its contents are wrong. This Court is of the prima facie view that the act of the Appellant No. 1 amounts to interference with the administration of justice.

17. In view of the same, issue notice to the Appellant No. 1 returnable on 24.04.2023 to show cause as to why action should not be taken against him for Contempt of Court for wilful disobedience of the judgment dated



21.12.2022 and wilful breach of undertaking given to the court and also for filing false affidavit.

18. The Registry is directed to register and number a separate Contempt Petition against the Appellant No. 1 for filing a false Affidavit before this Court thereby interfering with the administration of justice.”

(Emphasis Supplied)

3. In the light of the afore-noted observations, learned Single Judge vide order dated 13.04.2023 observed that respondent/contemnor by filing a false affidavit-cum-undertaking has interfered with the administration of justice and hence is liable to be tried under the provisions of Section 2 (c) of the Contempt of Courts Act, 1971.

4. Pursuant to order dated 13.04.2023, present petition has been placed before the Division Bench.

5. At the outset, when the present petition was taken up for hearing, respondent/contemnor, who is present in Court, has tendered an unconditional apology, inter-alia, stating that he has full respect for the Court and due to some communication gap between him and his advocate, the contents of the affidavit-cum-undertaking dated 04.01.2023 have been ill-drafted.

6. He also submits that he has already vacated the tenanted premises.

7. The respondent, with folded hands, has tendered his unconditional apology while requesting that his affidavit-cum-undertaking dated 04.01.2023 be struck off the record.

8. The unconditional apology tendered by the respondent is taken on record.



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9. In view of above, this Court finds no ground to continue with the present petition and the same is, accordingly, disposed of.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

JANUARY 10, 2024/ab