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Sub.Application (OS) No.803 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 14.07.2025**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**Sub.Application (OS) No.803 of 2025**

**in**

**Cont.P.No.986 of 2025**

A. Mohandoss ... Petitioner

Vs.

P. Vikash Kumar ... Respondent

**Prayer :** Sub Application has been filed under Section 151 of CPC to suspend the sentence order passed on 08.07.2025 in Cont.P.No.986 of 2025 pending disposal of the Contempt Appeal.

For Petitioner : Mr. N.L.Rajah,  
Senior Counsel,  
  
Mr. Sankara Subbu,  
for Mr.Anandaraj  
counsel for applicant

For Respondent : Mr.Kushal Kumar Sanchetti

**ORDER**



Sub.Application (OS) No.803 of 2025

WEB COPY

An Affidavit along with the petition has been filed before this Court in pursuant to the orders of the Division Bench in CMP Nos.16297 & 16299 of 2025 in Contempt Appeal Nos.29 & 30 of 2025 dated 11.07.2025.

The Hon'ble Division Bench of this Court has passed the following orders

:-

*“ The learned single Judge was not inclined to suspend the sentence in the orders passed in the Contempt Petition Nos.985 and 986 of 2025 dated 08.07.2025, since it was recorded therein that the contemnor had purposefully avoided to appear before the Court on the last date of hearing and also on the date on when the order was pronounced.*

*2. We are of the view that the present request for suspension of sentence could be considered by the learned single Judge, provided the contemnor personally appears before the Contempt Court.*

*3. Accordingly, the contemnor is directed to appear before the Contempt Court and is granted liberty to seek for suspension of sentence. In case any such application is filed, the Contempt Court is requested to deal with it, on its own merits and pass appropriate orders in accordance with law.*



WEB COPY



Sub.Application (OS) No.803 of 2025

*4. It is also open to the respondent herein to raise his objections, if such application for suspension is taken up for hearing.*

*5. Call the matter on 18.08.2025. “*

2. Pursuant to the same, an affidavit along with the petition filed before this Court seeking to accept the apology and discharge him from the punishment. When the affidavit filed today, the contemnor has tendered his apology. The said affidavit is extracted hereunder :-

*“ I, A.Mohandoss , S/o. Antony, Advocate, aged about 55 years, residing at Anand Block No.102, First Floor Chithra Avenue Sowrastra Nagar, Choolaimedu High Road, Choolaimedu, Chennai-94, do hereby solemnly affirm and state as follows:*

*1. I am the respondent/contemnor in the above contempt petitions and applicant herein. I am fully acquainted with the facts and circumstances of the case and hence competent to swear this affidavit. I am filling this affidavit to express my bonafide apology in both the petitions.*

*2. I respectfully state that this Hon'ble Court was pleased to pass an order dated 08.07.2025 in Contempt*



WEB COPY



Sub.Application (OS) No.803 of 2025

*Petition Nos.985 & 986 of 2025 , holding me guilty of contempt of court. Against the said order, I have filed Contempt Appeal Nos.29 & 30 of 2025. The case came up for hearing before the Division Bench of Hon'ble Mr. Justice M.S.Ramesh and Hon'ble Mr. Justice V. Lakshminarayanan, on 11.07.2025. After hearing the pleas advanced on my behalf and at the time of hearing, the division bench refused to suspend the sentence imposed against me and observed that it would be only proper for me to appear before this Hon'ble Court and establish my bonafides tendering an earnest and unconditional apology.*

*3. I state that I had even earlier tendered my written apology. However, for various reasons set out in its order dated 08.07.2025 this Court was not satisfied about the bonafides of my apology. I state that I once again tender my sincere and bonafide apology for any act that would be considered by this Hon'ble court to be contempt of this Court; It is only under the impression that I was pursuing my legal rights that I had undertaken certain acts. If I have impressed this Court that such acts are contumacious or contemptuous, I sincerely apologise before this Court for the same.*

*4. I am appearing before this Court to personally*



WEB COPY



Sub.Application (OS) No.803 of 2025

*tender my apology and earnestly beseech this Court to accept my apology as being bonafide and set aside the order passed in the contempt No.985 and 986 dated 08.07.2025.*

*5. I state that since I respect very much this Court and since the Court has expressed unhappiness about the manner in which I have instituted the complaint against the advocates, who appeared for the opposite side, I undertake not to precipitate the complaints before the Bar council(BCTNP) against the advocates and if permitted by Bar Council I will withdraw the same. The complaint under the provisions of the SC/ST Act against advocates appearing against me are proceeding on the basis of the directions of this Hon'ble Court in Crl.A.No.372 of 2025 order dated 16.04.2025 and further investigation has been ordered. For my part, I agree not to precipitate any issue in respect of the same against the said advocates.*

*For the reasons stated above, It is therefore humbly prayed that this Hon'ble Court may be pleased to accept my sincere and bonafide apology and further pray that I may be discharged from punishment awarded by this Hon'ble Court in Cont.P.No.985 &986 of 2025 order dated 08.07.2025 and the order/award may be remitted in*



WEB COPY



Sub.Application (OS) No.803 of 2025

*accordance with the provisions of the Section 12 of the Contempt of Courts Act and thus render justice”*

3. The learned Senior Counsel Mr.N.L.Rajah and Mr.Sankara Subbu would submit that since the contemnor has tendered unconditional apology before this Court, the order passed by this Court may be suspended, so that contemnor would canvas the appeal before the Division Bench.

4. The learned Senior Counsel also submitted that this Court has a power to recall the order under Article 215 of the Constitution of India.

5. Whereas the learned counsel appearing the petitioner in the contempt petition opposed the matter and submit that if the order is suspended, contemnor will not change his attitude.

6. Heard both sides and perused the entire materials.

7. While passing an order of imprisonment, this Court has not suspended the sentence, taking note of conduct of the contemnor, since he



Sub.Application (OS) No.803 of 2025

has not appeared before the Court in the last hearing when the explanation was sought and also when the punishment was imposed. Thereafter, the said order has now been challenged before the Division Bench.

8. The Hon'ble Division Bench of this Court has declined to suspend the sentence, directed the contemnor to appear before this Court and file an affidavit. Today, the affidavit and petition have been filed before this Court. Petition and an affidavit seeking apology have been filed today. This Court find that his explanation is not bonafide since same also not from the own conduct of the contemnor, but due to the direction of the Hon'ble Division Bench of this Court. Be that as it may. Since the Order under Section 12 of the Contempt of Courts Act has been passed in detail and appeal is also now filed, this Court has become *functus officio* and contemnor has to canvas his grounds only before the Hon'ble Division Bench. No doubt, this Court also could exercise the power of suspending the execution of a punishment or direction passed as that of Appellate Court, and that power is exercisable only on the date of order passed by this Court, not beyond that.



**Sub.Application (OS) No.803 of 2025**

9. Therefore, this Court is of the view that the contemnor, having filed an appeal before the Division Bench, has to canvass his case as against the merits of the order passed by this Court. Hence, I am not inclined to suspend the order passed by this Court, which has already been appealed.

10. At this stage, the learned Senior Counsel would submit that atleast, contemnor should not be apprehended by the police.

11. Considering the above submission, as the appeal is already filed before the Division Bench and the same is pending, the contemnor may canvas his case before the Division Bench and seek suspension of the order, on merits, before the Division Bench.

12. However, considering the request of the Senior Counsel, the Inspector of Police, to whom the warrant is served, is directed not to execute the warrant till 25.07.2025.



**Sub.Application (OS) No.803 of 2025**

13. The learned Additional Public Prosecutor is requested to inform the same to concerned Inspector of Police.

**14.07.2025**

mrp



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**Sub.Application (OS) No.803 of 2025**

**N. SATHISH KUMAR, J.**

mrp

**Sub.Application (OS) No.803 of 2025**

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**Cont.P.No.986 of 2025**

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