

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr.OPC. No. 1 of 2025

Order reserved on: 25.06.2025

Date of decision: 27.06.2025

Court on its own motion

...Petitioner

Versus

Dhairya Sushant & Anr.

...Respondents

Coram

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

The Hon'ble Mr. Justice Sushil Kukreja, Judge.

Whether approved for reporting? Yes.

For the Petitioner:

Mr. Anup Rattan, A.G. with Mr. Ramakant Sharma, Mr. Navlesh Verma, Ms. Sharmila Patial, Addl. A.Gs., Mr. J. S. Guleria and Mr. Raj Negi, Dy. A. G.

For the Respondent(s):

Mr. Deepak Kaushal, Sr. Advocate with Mr. Abhishek Verma, Advocate, for the respondents/contemnors.

Respondents/contemnors are present in person.

Tarlok Singh Chauhan, Judge

The instant criminal petition has been registered *suo moto* by this Court.

2. On 03.03.2025, the Court passed the following order:-

"Respondent No.1 has uploaded a video on his facebook account and the Hindi and English transcriptions of his monologue contained in the video as also pen drive containing the same have been appended by the concerned Registrar with the paper book.

2. From the perusal of the documents, we find that respondent No.1 has made serious allegations not only against the institution of judiciary, but has also unnecessarily targeted one of the learned judges of this court.

3. Not only that, serious allegations regarding involvement of not only the Judge but also access to the Judge(s) has been highlighted in the monologue of respondent No.1 and this is clearly evident from the following contents:

".....This is the height of the degradation of the judicial system. A short while ago, I drew the attention of the presiding judge to the fact that the police have mentioned in the status report that a person named Inder Singh, a resident of Dasoli, is a thief, and the stolen machine has been recovered from his place. I asked the Judge to read it carefully..... I wrote... I explained it to the Judge Sahab orally and submitted it, but he did not take my statement on record. Take a look at this- I told the judge to read this line carefully. It is clearly written here, and the police have written it, not me, that the search of Baldev Singh's house, in the presence of the accused was carried out as per procedure and during the course of investigation, a machine and a pit-digging machine were found in the stubble store of Baldev Singh's house and the same were recovered. It is also mentioned that the machines have been identified. It is further mentioned that the person who has been arrested has previous criminal history and he has been involved in theft cases before. As you can see, it is clearly written here that theft cases have been registered against him. Furthermore, I told the Judge that he has admitted it. He has confessed in his own statement, Sahab, that we were all involved. We were part of a group, and we committed the theft. We entered the house, and he is naming the person responsible..... He has stated that we entered Rajan Sushant's house, and as for who the intruder was, he is writing that only Inder went inside the house. He is also stating that Inder gave him 500 rupees, and this is how the theft was committed. Today, I want to ask, where is the judicial system? Despite having been shown all this, what does the Hon'ble High Court Judge, Shri Ranjan Sharma, say? let me tell you. He tells the police....He

is guiding the lawyer of the other side. There is a Judge's son, who is an advocate here, and he tells him to file objections, saying he will list the matter later. But when I filed objections yesterday, he says, 'Why didn't you raise objections earlier? I will cancel them. I told him, 'Judge Sahab, the criminals you are releasing are involved in Chitta smuggling, and they are drug addicts. I am telling you their history- they have committed crimes not just at one place, but at many places. They committed robbery in our house, and I am also saying that they had weapons. The police have written everything clearly, yet despite this, Judge Sahab is not rejecting the bail, even after I have mentioned that stolen goods have been recovered from them. Which court in the country would release a person even after being told that the stolen goods have been recovered {from that person}? This is being done intentionally, just because there is a network in place. We all need to understand that this is a network of drug dealers, lawyers, and they have access to the Judges. The sons of sitting judges appear for these drug deals, for these hooligans. And justice is being given on the basis of face value and favouritism. Sir, what should I tell you? I told him that if released, they will sell all the stolen goods, it is in their possession and they would tamper with the evidence, yet they were released deliberately. You call this the temple of justice? We, the lawyers, know the truth. Lakhs of lawyers like me know how we fight for justice, but look at the situation today. This is the height of hooliganism. Our house in Dehri is attacked with deadly weapons, a theft takes place, and despite that, even after 3-4 months, no action has been taken. The goons roam around openly, looking straight into the eye, and proclaim, "Dhairya Sushant, we have secured bail from the same High Court where you practice. What could you do"? And here, there is the connivance of the judge. I am directly alleging this. There is a need for judicial reforms in our country, and for that, I will go to any extent if necessary. We are not afraid of anyone. I told Judge Sahab, and at that time, my father was also with me- he is an honest man friends, I am telling the entire state through this video- you can make 100 allegations against us, say anything you want, but no one can accuse us of even 1 rupee of corruption. No one can say that Rajan Sushant Ji has ever been a thief or dishonest man. No one can question our honesty. Today, I am deeply saddened by this, and tomorrow, we will hold a press

conference on the matter. I will personally submit a complaint to the Honorable Supreme Court regarding the conduct of the judge and such indecency; secondly, I want to ask, why are the proceedings of the Himachal Pradesh High Court not being live streamed? The Supreme Court is live, and many of our High Court are live. The Supreme Court has said that proceedings should be live streamed so that whatever anyone says, everyone can hear it in real-time. They intentionally do not record it, and our High Court is not going live on purpose because their intentions are dishonest.

.....These gangs have political protection, and they also have police protection and standing here today on the premises of the High Court, I speak with a deep sense of responsibility, that these individuals are also protected by some judicial officers in Himachal Pradesh, something that is undeniably clear. This is an urgent and serious matter, which we will take to the Supreme Court and also to the people."

4. The transcription of monologue of respondent No.1 is contemptuous and prima facie attracts the provisions of Section 15 of the Contempt of Courts Act, 1971 (in short "the Act").

5. Similarly, monologue of respondent No.2 prima-facie also attracts provisions of Section 15 of the Act, more particularly, the following contents:

"I want to say today that we also went to the High Court, where we presented the facts before the judge, submitted the status report, and filed a case with all the records in the file. Despite this, the kind of behaviour I witnessed of the Honorable Judge is heartbreaking. I'm sorry to say, the soul of justice is dead. These judges, too, are complicit, giving opportunities to the burglars and dacoits."

6. Accordingly, let show cause notice(s) under Section 15 of the Act be issued against the respondents in form-A of the Contempts of Courts Rules, 1996 why they should not be prosecuted and punished for having deliberately and willfully committed the criminal contempt, returnable for 07.04.2025.

7. The Registry is directed to supply a complete copy of the paper book to the learned Advocate General and is

further directed to reflect his name henceforth in the cause list."

3. In terms of the aforesaid order, the respondents were duly served and put in appearance on 07.04.2025. They prayed for and were granted three weeks' time to file reply and the case was ordered to be listed on 05.05.2025.

4. On 05.05.2025, the respondents again prayed for time and were granted a weeks' time to file power of attorney as well as reply and the case was ordered to be listed on 19.05.2025.

5. On 19.05.2025, it was represented by learned counsel for the respondents that reply was being filed during the course of the day and the matter was accordingly ordered to be listed on 21.05.2025.

6. On 21.05.2025, even though the respondents had filed the reply, but after it was pointed out by the Court that the apology tendered in the reply was conditional, their counsel requested that the reply of respondent No. 2 be treated as withdrawn with liberty to file fresh reply. The prayer was acceded to and the respondents were thereafter granted a week's further time to file reply and the matter was ordered to be listed on 28.05.2025.

7. On 28.05.2025, the respondents prayed for adjournment on the ground that the mother of the learned

Senior Advocate representing them, was indisposed and the matter was ordered to be listed on 25.06.2025.

8. Today, on 25.06.2025, the respondents were asked to show cause why charges be not framed against them and the only answer given by them was that now that they have tendered the unconditional and unqualified apology, therefore, the instant proceedings be dropped.

9. We have heard the learned Advocate General and Shri Deepak Kaushal, learned Senior Advocate, for the respondents.

10. A perusal of the zimini orders passed by this Court from time to time go to indicate that up till today, the respondents had made no endeavours whatsoever to tender an apology and it is only today, that too, through their counsel, that the respondents made an endeavour to tender, so called, unconditional apology.

11. However, such apology at this stage cannot be accepted, as it is more than settled that an apology for criminal contempt of Court must be offered at the earliest since a belated apology hardly show the *“contrition, which is the essence of the purging of contempt”*.

12. An apology must be offered and that too clearly and at the earliest opportunity. However, even if the apology is not

belated but the court finds it to be without real contrition and remorse, and finds that it was merely tendered as a weapon of defence, the Court may refuse to accept it.

13. Even otherwise, the apology is not to be accepted as a matter of course.

14. Further, the apology at this stage cannot be accepted as the respondents have not offered the same in good grace, the apology is shorn of penitence and hence, it is liable to be rejected. The respondents cannot be permitted to use apology as a weapon of defence.

15. An apology is neither a weapon of defence to purge the guilty of their offence, nor it is intended to operate as universal panacea, but is intended to be the evidence of real contriteness, as noted by the Hon'ble Supreme Court in ***L.D. Jaikwan vs. State of U.P. (1984) 3 SCC 405***. We are sorry to say, we cannot subscribe to the '*slap-say sorry and forget*' school of thought in administration of contempt jurisprudence, saying '*sorry*' does not make the slapper poorer, nor does the cheek which has taken the slap smart less upon the said hypocritical word being uttered through the very lips and the expression of sorrow came from his pen, not from his heart. For, it is one thing to "say" sorry-it is another to "*feel*" sorry (***T. N. Godavarma Thirmulpad as Ashok Khot & Anr. AIR 2006 SC 207***).

16. The concept of apology has been dealt with elaborately by the Hon'ble Supreme Court in ***Balwantbhai Somabhai Bhandari vs. Hiralal Somabhat Contractor, AIR 2023 SC 4390, wherein in paras 98 to 116***, wherein it was observed as under:-

"98. We must refer to Section 12 of the Act 1971:

"12. Punishment for contempt of court.— (1) Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Explanation.—An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

(2) Notwithstanding anything contained in any other law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section (1) for any contempt either in respect of itself or of a court subordinate to it.

(3) Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that he be detained in a civil prison for such period not exceeding six months as it may think fit. (4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the

court, by the detention in civil prison of each such person:

Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

(5) Notwithstanding anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer. Explanation.—For the purposes of sub-sections (4) and (5),—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.”

99. [Section 12](#) of the Act 1971 provides for the punishment of contempt. Proviso to this section states that the accused may be discharged or the punishment awarded may be remitted on the apology being made to the satisfaction of the court. Explanation to this says that the apology shall not be rejected merely on the ground that it is qualified or conditional, if the accused makes it bona fide. Therefore, what is requirement of the provision is that the apology which is either qualified or conditional made by the alleged contemner shall also be not discarded if the same in the opinion of the court is made bona fide. It is the discretion of the court whether to accept the same or not and that discretion is required to be exercised judiciously and the accused can be discharged. For preventing interference in the course of justice and to upkeep the authority of law, sparingly, of course, such power contemplated under the constitution warrant its use.

100. We now proceed to consider the question as regards the acceptance of apology. It is pertinent to

note at this stage that all throughout the proceedings before the High Court, the stance of the appellants was that they committed a big mistake by executing the sale deeds despite having given a clear-cut undertaking to the court that they would not do so. By and large, from the averments in the various affidavits filed by the appellants over a period of time; referred to by the High Court in its judgment, the stance had been that the appellants should not have defied the order of the High Court and are extremely sorry in that regard. In such circumstances, the appellants pleaded before the High Court that their apology may be accepted and they may be discharged from the proceedings.

101. We may take judicial notice of the fact with all humility at our command that over a period of time, the courts have shown undue leniency and magnanimity towards the contemnors. This lenient attitude shown by the courts over a period of time has actually emboldened unscrupulous litigants to disobey or commit breach of the order passed by any court or any undertaking given to the court with impunity.

102. The litigants, proceeded for contempt of court have realised that they have a very potent weapon in their hands in the form of apology. Take for instance, the present case itself. What do the appellants want us to do? The appellants want this Court to accept their apology and set aside the order of punishment and sentence passed by the High Court. There ought not to be a tendency by courts to show compassion when disobedience of an undertaking or an order is with impunity and with total consciousness.

103. In re. [Tapan Kumar Mukherjee v. Heromoni Mondal and Another](#) reported in (1991) 1 SCC 397, this Court in a contempt matter has observed:— “9.... we should like to put out a warning that where a case of wilful disobedience is made out, the courts will not hesitate and will convict delinquent officer and that no lenience in the court's attitude should be expected from the court as a matter of course merely on the ground that an order of conviction would damage the service career of the concerned officer”.

104. In re. [Tapan Kumar](#) (supra), this Court was dealing with a public servant facing an action for contempt.

105. We wonder what could be the ultimate outcome if we accept the apology and allow the appellants to go

scot-free. First, they would have to face no legal consequences for the alleged act of contempt and secondly, would continue to enjoy or retain the fruits of their contempt. We say so because they have already pocketed a sizeable amount towards the sale consideration obtained from the purchasers.

106. In the case of *Sub-Judge, First Class, Hoshangabad v. Jawahar Lal Ramchand Parwar* reported in AIR 1940 Nagpur 407, Justice Bose (as he then was) said that an apology is not a weapon of defence forged to purge the guilty of their offences. It is not an additional insult to be hurled at the heads of those who have been wronged. It is intended to be evidence of real contriteness, the manly consciousness of a wrong done, of an injury inflicted, and the earnest desire to make such reparation as lies in the wrong-doer's power. An apology, which the learned Judge says should be evidence of real contriteness and manly consciousness of the wrong done; it ceases to be so if it is belated, and it becomes instead, to borrow the language of Justice Bose, again the cringing of a coward shivering at the prospect of the stern hand of justice about to descend upon his head.

107. In the case of [Patel Rajnikant Dhulabhai](#) (supra), this Court rejected the argument that an apology can be used as a weapon of defence and while relying upon multiple decisions held as under:

"62. In the celebrated decision of *Attorney General v. Times Newspaper Ltd.* [(1974) AC 273 : (1973) 3 All ER 54 : (1973) 3 WLR 298 (HL)] Lord Diplock stated: (All ER p. 71f) "There is an element of public policy in punishing civil contempt, since the administration of justice would be undermined if the order of any court of law could be disregarded with impunity;...." xxx xxx xxx

74. In *Hiren Bose, Re* [AIR 1969 Cal 1 : 72 Cal WN 82] the High Court of Calcutta stated: (AIR p. 3, para 13) "13. ... It is also not a matter of course that a Judge can be expected to accept any apology. Apology cannot be a weapon of defence forged always to purge the guilty. It is intended to be evidence of real contrition, the manly consciousness of a wrong done, of an injury inflicted and the earnest desire to make such reparation as lies in the wrong-doer's power. Only then is it of any avail in a court of justice. But before it can have that effect, it should be tendered at the earliest possible stage, not the latest.

Even if wisdom dawns only at a later stage, the apology should be tendered unreservedly and unconditionally, before the Judge has indicated the trend of his mind. Unless that is done, not only is the tendered apology robbed of all grace but it ceases to be an apology. It ceases to be the full, frank and manly confession of a wrong done, which it is intended to be."

75. It is well settled that an apology is neither a weapon of defence to purge the guilty of their offence, nor is it intended to operate as a universal panacea, it is intended to be evidence of real contriteness (vide *M.Y. Shareef v. Hon'ble Judges of the High Court of Nagpur* [AIR 1955 SC 19 : (1955) 1 SCR 757]; [M.B. Sanghi v. High Court of Punjab & Haryana](#) [(1991) 3 SCC 600 : 1991 SCC (Cri) 897 : (1991) 3 SCR 312]).

76. In [T.N. Godavarman Thirumulpad \(102\) v. Ashok Khot](#) [(2006) 5 SCC 1], a three-Judge Bench of this Court had an occasion to consider the question in the light of an "apology" as a weapon of defence by the contemnor with a prayer to drop the proceedings. The Court took note of the following observations of this Court in [L.D. Jaikwal v. State of U.P.](#) [(1984) 3 SCC 405 : 1984 SCC (Cri) 421] : ([Ashok Khot](#) case [(2006) 5 SCC 1] , SCC p. 17, para 32) "32. ... We are sorry to say we cannot subscribe to the 'slap— say sorry—and forget' school of thought in administration of contempt jurisprudence. Saying 'sorry' does not make the slapper taken the slap smart less upon the said hypocritical word being uttered. Apology shall not be paper apology and expression of sorrow should come from the heart and not from the pen. For it is one thing to 'say' sorry—it is another to 'feel' sorry." The Court, therefore, rejected the prayer and stated: (SCC p. 17, para 31) "31. Apology is an act of contrition. Unless apology is offered at the earliest opportunity and in good grace, the apology is shorn of penitence and hence it is liable to be rejected. If the apology is offered at the time when the contemnor finds that the court is going to impose punishment it ceases to be an apology and becomes an act of a cringing coward." Similar view was taken in other cases also by this Court.

77. We are also satisfied that the so-called apology is not an act of penitence, contrition or regret. It has been tendered as a "tactful move" when the contemnors are in the tight corner and with a view to ward off the Court. Acceptance of such apology in the case on hand would be allowing the contemnors to go away with impunity after committing gross contempt of Court. In our considered opinion, on the facts and in the circumstances of the case, imposition of fine in lieu of imprisonment will not meet the ends of justice."

(Emphasis supplied)

108. This Court in [Priya Gupta and Another v. Additional Secretary, Ministry of Health and Family Welfare and Others](#) reported in (2013) 11 SCC 404, held that:

"7. Tendering an apology is not a satisfactory way of resolving contempt proceedings. An apology tendered at the very initial stage of the proceedings being bona fide and preferably unconditional would normally persuade the court to accept such apology, if this would not leave a serious scar on the dignity/authority of the court and interfere with the administration of justice under the orders of the Court.

8. "Bona fide" is an expression which has to be examined in the context of a given case. It cannot be understood in the abstract. The attendant circumstances, behaviour of the contemnor and the remorse or regret on his part are some of the relevant considerations which would weigh with the Court in deciding such an issue. Where, persistently, a person has attempted to overreach the process of Court and has persisted with the illegal act done in wilful violation to the orders of the Court, it will be difficult for the Court to accept unconditional apology even if it is made at the threshold of the proceedings. It is not necessary for us to examine in any greater detail the factual matrix of the case since the disobedience, manipulation of procedure and violation of the schedule prescribed under the orders of the Court is an admitted position. All that we have to examine is whether the apology tendered is bona fide when examined in the light of the attendant circumstances and whether it will be in the interest of justice to accept the same.

9. The facts which will weigh with the Court while considering acceptance of an apology are the contemptuous conduct, the extent to which the order of the Court has been violated, irresponsible acts on the part of the contemnor and the degree of interference in the administration of justice, which thereby cause prejudice to other parties. An apology tendered, even at the outset, has to be bona fide and should be demonstrative of repentance and sincere regret on the part of the contemnor, lest the administration of justice be crudely interfered with by a person with impunity. The basic ingredients of the rule of law have to be enforced, whatever be the consequence and all persons are under a fundamental duty to maintain the rule of law. An apology which is not bona fide and has been tendered to truncate the process of law with the ulterior motive of escaping the consequences of such flagrant violation of orders of the court and causes discernible disrespect to the course of administration of justice, cannot be permitted. The court has to draw a balance between cases where tendering of an apology is sufficient, and cases where it is necessary to inflict punishment on the contemnor. An attempt to circumvent the orders of the court is derogatory to the very dignity of the court and administration of justice. A person who attempts to salvage himself by showing ignorance of the court's order, of which he quite clearly had the knowledge, would again be an attempt on his part to circumvent the process of law. Tendering a justification would be inconsistent with the concept of an apology. An apology which is neither sincere nor satisfactory and is not made at the appropriate stage may not provide sufficient grounds to the court for the acceptance of the same. It is also an accepted principle that one who commits intentional violations must also be aware of the consequences of the same. One who tenders an unqualified apology would normally not render justification for the contemptuous conduct. In any case, tendering of an apology is a weapon of defence to purge the guilt of offence by the contemnor. It is not intended to operate as a universal panacea to frustrate the action

in law, as the fundamental principle is that rule of law and dignity of the court must prevail.

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14. From the above principle, it is clear that consideration of an apology as contemplated under Explanation to [Section 12\(1\)](#) of the Act is not a panacea to avoid action in law universally. While considering the apology and its acceptance, the court *inter alia* considers: (a) the conduct of the contemnor prior and subsequent to the tendering of apology. If the conduct is contemptuous, prejudicial and has harmed the system and other innocent persons as a whole, it would be a factor which would weigh against the contemnors; and (b) the stage and time when such apology is tendered.”
(Emphasis supplied)

109. In the case of [Sevakram](#) (supra), it was held that an apology neither purges nor washes away the act of contempt and at best it is a mitigating circumstance while considering the consequential order following finding of contempt having been committed. The relevant portion is produced hereunder:

"46. The various decisions referred to by both parties need not detain us for long inasmuch as there is no distinction on principle in the decided cases. An apology is not a weapon of defence. Apology neither purges nor washes away an act of contempt. It is at best a mitigating circumstance while considering the consequential orders to be made, once a person is found to have committed Contempt of Court, civil or criminal. It is a factor relevant to be considered while devising the final order to be made against the contemner. An apology can only be considered which is in real sense remorseful and to the satisfaction of the Court as a contrition by the respondents. Ordinarily, belated apologies are considered to be offered more out of fear of punishment than with a sense of contrition. But merely because the apology has been tendered, not at the first instance, but at a later stage, by itself cannot be a ground for not considering it. Had it been so, proviso to [Sec. 12](#) which makes it possible even after sentence of punishment has been made, to remit the same on considering the apology given thereafter. In short,

whether an apology tendered at any stage of the proceedings is to be considered as mitigating circumstances or not depends on facts and circumstances of that case and that principle is not inhibited by any precedent. The precedents serve as guidelines." (Emphasis supplied)

110. The Constitution Bench of this Court in *M.Y. Shareef and another v. Hon'ble Judges of the Nagpur High Court and others* reported in AIR 1955 SC 19 observed thus:

"10. The proposition is well settled and self-evident that there cannot be both justification and an apology. The two things are incompatible. Again an apology is not a weapon of defence to purge the guilty of their offence; nor is it intended to operate as a universal panacea, but it is intended to be evidence of real contriteness. The appellants having tendered an unqualified apology, no exception can be taken to the decision of the High Court that the application for transfer did constitute contempt because the judges were scandalized with a view to diverting the due course of justice, and that in signing this application the two advocates were guilty of contempt. That decision therefore stands." (Emphasis supplied)

111. Thus, apology is not just a word. The court should not accept the apology when it appears that saying sorry is nothing but a legal trick to wriggle out of responsibility. A true apology must be a deep ethical act of introspection, self-introspection, atonement and self-reform. In its absence, an apology can be termed as farce.

112. It is equally well-settled that apology tendered is not to be accepted as a matter of course and the court is not bound to accept the same. Although, the apology may be unconditional, unqualified and bona fide, yet, if the conduct is serious which has caused damage to the dignity of the institution the same need not to be accepted.

113. In the facts of the case, we are convinced that although the appellants might have tendered the apology before the High Court in the first instance, yet such apology does not deserve to be accepted and was rightly not accepted by the High Court. It was nothing but a

gamble on the part of the appellants. It is a lame excuse on their part to say that they were left with no choice but to execute the sale deeds. They have also highlighted few circumstances in this regard. However, we are not at all convinced with any such explanations offered by the appellants. They took a calculated risk to transfer the properties and pocketed the sale consideration. If there was any impending urgency to execute the sale deeds, they could have come to the High Court and should have obtained appropriate clarification or permission in that regard. This is the reason why we say that the appellants with a view to gain wrongfully gambled in the hope that ultimately, they would get away by tendering an apology. This is the reason why such fake apologies should not be accepted by the court and allow a person who has no regard for the Majesty of law to get away from the legal consequences. There is no occasion for us to show any compassion as contempt has been committed and proved beyond reasonable doubt and the effect of this contempt has been felt on the Majesty of the High Court. The litigating public cannot be encouraged that such a situation can continue or the court will not rise to the occasion to book people violating its orders. The law is very clear that the court should not get compassionate and dilute an indictment and not follow it with conviction. The fact that the appellants have committed contempt is not in doubt. The law enjoins that a punishment must follow.

114. We take notice of the fact that the issue of limitation to initiate the contempt proceedings was also raised before the High Court. The High Court has answered the same quite elaborately. In fact, this issue was not raised before us during the course of the hearing of these appeals. We need not go into the issue of limitation any further.

115. The learned counsel appearing for the appellants have placed reliance on few decisions of this Court. We have looked into all those decisions. None of the decisions, is of any avail to the appellants. It is not necessary for us to deal with each and every judgment relied upon on behalf of the appellants. We have

extensively discussed the position of law on all the issues relating to contempt of court.

116. We may summarise our final conclusion as under:

(i) We hold that an assurance in the form of an undertaking given by a counsel / advocate on behalf of his client to the court; the wilful breach or disobedience of the same would amount to “civil contempt” as defined under [Section 2\(b\)](#) of the Act 1971.

(ii) There exists a distinction between an undertaking given to a party to the lis and the undertaking given to a court. The undertaking given to a court attracts the provisions of the Act 1971 whereas an undertaking given to a party to the lis by way of an agreement of settlement or otherwise would not attract the provisions of the Act 1971. In the facts of the present case, we hold that the undertaking was given to the High Court and the breach or disobedience would definitely attract the provisions of the Act 1971.

(iii) Although the transfer of the suit property pendente lite may not be termed as void ab initio yet when the court is looking into such transfers in contempt proceedings the court can definitely declare such transactions to be void in order to maintain the majesty of law. Apart from punishing the contemnor, for his contumacious conduct, the majesty of law may demand that appropriate directions be issued by the court so that any advantage secured as a result of such contumacious conduct is completely nullified. This may include issue of directions either for reversal of the transactions by declaring such transactions to be void or passing appropriate directions to the concerned authorities to ensure that the contumacious conduct on the part of the contemnor does not continue to enure to the advantage of the contemnor or any one claiming under him.

(iv) The beneficiaries of any contumacious transaction have no right or locus to be heard in the contempt proceedings on the ground that they are bona fide purchasers of the property for value without notice and therefore, are necessary parties. Contempt is between the

court and the contemnor and no third party can involve itself into the same.

(v) The apology tendered should not be accepted as a matter of course and the court is not bound to accept the same. The apology may be unconditional, unqualified and bona fide, still if the conduct is serious, which has caused damage to the dignity of the institution, the same should not be accepted. There ought not to be a tendency by courts, to show compassion when disobedience of an undertaking or an order is with impunity and with total consciousness."

17. Going by the sequel of events as narrated above, we have no difficulty in concluding that the apology tendered herein is nothing but a paper apology, which in the given facts and circumstances cannot be accepted. Had the respondents been sincere and honest, they they would have made all endeavour to have apologised at the earliest given opportunity. Therefore, the apology cannot be accepted.

18. The apology in the instant case does not appear to be sincere and cannot be accepted as it is not genuine as we do not see any remorse, regret much less repentance. Rather we are convinced that it is a devise adopted by the respondents to escape the rigours of the law. Such an apology can merely be termed as a paper apology.

19. This is clearly evident from the fact that in the reply that has now been filed by the respondents, they still are not ready to acknowledge that the words spoken by them, some of

which have been taken note by the Court in its order dated 03.03.2025, are indeed contemptuous and, therefore, they apologise and withdraw the same, rather this exercise has been left to the Court as is evident from para-4 of the reply affidavit, which reads as under:-

"4. That in the backdrop of facts & circumstances mentioned here-in-above, it is submitted with all due humility, that any of the words or gestures of the respondents, which are contemptuous in the eyes of the Hon'ble Court, the present respondents, here-by withdraw such words."

20. As observed above, there has been no repentance or remorse on the part of the respondents at the initial stage and even now the respondents are not ready to show any kind of remorse, repentance much less a regret to use of the words, some of which have been taken note as aforesaid. After all, an apology means a regretful apology or excuse for failure. Apology has to be unquestionable in sincerity and has to be tempered with the sense of genuine remorse and repentance and not a calculated strategy, to be permitted to be used as a weapon of defence to escape the rigour of law.

21. An apology can be accepted, in case, the conduct for which the apology is given, is such that it can be *"ignored without compromising the dignity of the Court"*, or it is intended to be evidence of real contrition. It should be sincere. Apology

cannot be accepted, in case, it is hollow, more especially, when there is no regret and repentance.

22. List on 16.07.2025 for framing of charges when both the respondents shall personally remain present before this Court.

(Tarlok Singh Chauhan)
Judge

27th June, 2025
(sanjeev)

(Sushil Kukreja)
Judge