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C.A.No. 3984 OF 2001
ITEM No.3

Court No. 5

SECTION XVII
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.3984/2001

A.S.N. MURTHY

Appellant (s)

VERSUS

STATE OF ANDHRA PRADESH

Respondent (s)

(For Final Disposal)

Date : 19/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE BRIJESH KUMAR
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s) Mr. Ranjit Kumar, Sr. Adv.
Mr. G Venkatesh, Adv. for
Mr. R.D. Upadhyay, Adv.

For Respondent (s) Mr. T.V. Ratnam, Adv.

UPON hearing counsel the Court made the following
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Mr. Ranjit Kumar, learned senior counsel for the
appellant argued the matter from 10.40 a.m. to 10.50 a.m.
The appeal is allowed remitting the matter back to the
High Court in terms of the signed order.

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(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3984 OF 2001@@
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A.S.N. Murthy

....Appellant

VERSUS

State of Andhra Pradesh

....Respondent

O R D E R@@
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By the order dated 19th July, 2000 the Contempt Petition CC No.1248 of 2000, filed by the appellant (petitioner in the Contempt Petition) before the High Court of Andhra Pradesh, was rejected by the High Court in limini, but at the same time on the basis of the statements made in the said contempt petition the High Court initiated contempt proceedings against the appellant for unjustified contemptuous statement made in the petition. Finally, after hearing the appellant, by judgment and order dated 18th April, 2001 the court convicted the appellant and sentenced him to suffer one month's simple imprisonment with a fine of Rs.200/-.

Against that judgment and order the appellant has preferred this appeal. At the outset learned counsel for the appellant submitted that the appellant has tendered unconditional apology before the High Court on 4th April, 2001. In the said affidavit in paragraph No.4 it has been stated as under:

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"I am deeply regretful and tendering unconditional and unqualified apology with an undertaking that such things will be never repeated. The petitioner has not any mala fide intention or obstruction to the Court Proceedings or administration of justice or scandalise or pressurise the Judges as I am having great respect and faith in the Judges and Law. The pleadings I made in that contempt case and subsequent cases due to confusion and lack of knowledge of understanding to seek justice only. I humbly pray that the Hon'ble Court is prayed to kindly pardon me for which act of kindness, I shall be grateful forever."

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Learned counsel for the appellant further pointed out that amicus curiae failed to draw the attention of the High Court with regard to the said affidavit and, therefore, the High Court observed that Shri A.S.N. Murthy has not shown even remorse, therefore, there was no alternative but to convict him under the provisions of the Contempt of Courts Act.

Mr. Ranjit Kumar, learned senior counsel further points out that even before this Court the appellant has tendered unconditional apology and it has been pointed out by him that because the appellant was totally disturbed due to various difficulties faced in his life as well as abject poverty he committed the great mistake in casting some doubts in contempt petition.

...3/-

Considering the over all facts as submitted by learned counsel for the appellant as well as unconditional apology tendered before the High Court and before this Court the impugned order is set aside. However, the matter is remitted back to the High Court for passing appropriate order by taking into consideration the unconditional apology which was tendered before the High Court on 4th April, 2001. Learned counsel for the appellant states that if necessary, the appellant would tender fresh unconditional apology before the High Court. The High Court would pass appropriate order after taking into consideration of all these facts.

Appeal is allowed to the aforesaid extent.

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(M.B. SHAH)@@
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(D.M. DHARMADHIKARI)@@
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New Delhi,
March 19, 2002