

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NOS.961-962 OF 2001

P.S.V.L.N. SASTRY Appellant (s)

VERSUS

ADVOCATE GENERAL, H/C OF A.P., HYDERABAD Respondent(s)

(With appln(s) for permission to place addl. documents on record

Date: 21/08/2007 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE P.P. NAOLEKAR
HON'BLE MR. JUSTICE P. SATHASIVAM

For Appellant(s) Mr. Anil Kumar Tandale,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel appearing on behalf of the
appellant.

The appeals fail and the same are dismissed. Bail
bonds of the appellant, who is on bail, are cancelled and he
is directed to be taken into custody forthwith to serve out
the remaining period of sentence for which the matter shall
be reported to this Court within one month from the date of
receipt/production of copy of this order.

[Alka Dudeja]
Court Master

[Om Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.961-962 OF 2001

P.S.V.L.N. Sastry ...Appellant(s)

Versus

O R D E R

Heard learned counsel appearing on behalf of the appellant.

By the impugned order, High Court of Andhra Pradesh convicted the appellant under Section 12 of the Contempt of Courts Act, 1971, and sentenced him to undergo simple imprisonment for a period of three months. After the judgment of conviction was rendered, application was filed on behalf of the contemnor for recall of the order, which has been rejected. Hence, these appeals.

Learned counsel appearing on behalf of the appellant, in support of the appeals, submitted that the allegations, contained in the letter written by the appellant, scandalising the Judges of High Court of Andhra Pradesh, were contemptuous, but, at the time of writing the letter, the appellant was suffering from insanity, as such, the High Court was not justified in convicting him. It appears from the record that neither any plea of insanity was taken before the High Court in the show cause filed in the contempt proceeding nor any material produced to prove the same. Moreover, from the records of the contempt proceeding, it would appear that there was otherwise also no material

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whatsoever to show that the appellant was insane at the time of writing the letter. This being the position, the plea of insanity cannot be allowed to be raised for the first time before this Court for which also there is no foundation. We, therefore, do not find any ground to interfere with conviction of the appellant.

Learned counsel next submitted that, in the facts and circumstances of the case, the sentence of three months imprisonment awarded against the appellant should be reduced. The allegations against the appellant were very serious and as the High Court has already taken lenient view in awarding the sentence, no further reduction is possible. In view of the foregoing discussion, we are of the view that it is not a fit case for interference by this Court.

The appeals, accordingly, fail and the same are dismissed. Bail bonds of the appellant, who is on bail, are cancelled and he is directed to be taken into custody forthwith to serve out the remaining period of sentence for which the matter shall be reported to this Court within one month from the date of receipt/production of copy of this order.

.....J.
[B.N. AGRAWAL]

.....J.
[P.P. NAOLEKAR]

.....J.
[P. SATHASIVAM]