

ITEM NO.302

COURT NO.2

SECTION PIL

S U P R E M E

C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CRLMP.NO.7027/2012 in SUO MOTU CONTEMPT PETITION(CRL.)NO.3 OF 2008  
IN W.P(CRL.)NO. D.25985 OF 2008

IN RE. PAVITHRA MURALI

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

( for directions and office report )

Date: 14/03/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE H.L. DATTU

For Parties(s):

Attorney General for India (A.C.)

/applicant

Mr. U.U. Lalit, Sr. Adv.  
Mr. J.M. Sharma, Adv.  
Mrs. Indra Sawhney, AOR.

For Respondent(s)  
/SCBA

Mr. Rakesh Kr.Khanna, Sr. Adv.  
Mr. Vibhu Shankar Mishra, Adv.  
Ms. Seema Rao, Adv.

Mr. Sanjay Kharde, AOR

M/s. S.Narain & Co.,Adv.s.

UPON hearing counsel the Court made the following  
O R D E R

1. CRLMP.NO.7027 of 2012, has been filed by one  
CRLMP.7027/12 in Suo Motu Conmt.Pet.(Crl.)3/08 in WP(Crl)..D.25985/08

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Ms. Pavithra Murali, who was one of the contemnors  
in SUO MOTU CONTEMPT PETITION(CRL.)NO. 3 OF 2008 IN  
W.P(CRL.)NO. D. 25985 OF 2008.

2. By our order dated 14th January, 2010, we had

11 the four issued notices to show cause to a

contemnors, namely, Ms. Annette Kotian, Dr. Sarita

Parikh, Mrs. Leila David and the present petitioner,  
Ms. Pavithra Murali, to be present in person on 21st  
October, 2009, at 2.00 p.m. in connection with the  
contempt proceedings.

When the matter

was once

again listed on 21st October, 2009

, the writ

petitions filed by Ms. Annette Kotian and

Mrs.

Leila David and the present petitioner, Ms. Pavithra  
Murali, were dismissed with costs, to be paid by the

of the Court writ petitioners into the Registry

ailing which within two weeks from date, f

gainst them. appropriate action would be taken a

This Court was also not inclined to interfere with

sed on the the sentence, which had been impo

contemnors. The order dated 23rd

March, 2009,

granting bail to the contemnors was recalled and the

o take the Secretary General was directed t

contemnors into custody forthwith and

to arrange

for sending them to the appropriate jail to serve  
CRLMP.7027/12 in Suo Motu Comt.Pet.(Crl.)3/08 in WP(Crl)..D.25985/08

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e out the sentence. On the said date, Ms. Annett

Kotian and Dr. Sarita Parikh were taken into custody

since they were present in Court, but neither Mrs.

could be Leila David nor Ms. Pavithra Murali,

apprehended since they were not present in Court

ssioner despite the orders. Accordingly, the Commi

of Police, Mumbai, was directed to take steps to

apprehend them and to arrange for their detention

in prison in terms of the order p

passed on 20th

March, 2009, to serve out the sentence awarded to them in the contempt proceedings.

Thereafter,

Mrs. Leila David was apprehended and all the three contemnors, namely, Ms. Annette Kotian, Dr. Sarita Parikh, Mrs. Leila David, served out the sentence of

three months awarded to them in the contempt proceedings. Only the present petitioner, Ms.

Pavithra Murali, remained absconding since the initial order passed on 21st October, 2009.

3. On the 12th of this month, the matter was first mentioned on behalf of Ms. Pavithra Murali,

by Ms. Indra Sawhney, learned advocate, and,

thereafter, by Mr. U.U. Lalit, senior counsel.

In

fact, Mr. Lalit mentioned the matter at about 5.30

p.m., when the Court presided over by one of us CRLMP.7027/12 in Suo Motu Conmt.Pet.(Crl.)3/08 in WP(Crl)..D.25985/08

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(Justice Altamas Kabir), was still in session.

On

the said occasion, Mr. Lalit submitted that the

petitioner had been arrested, after she had landed at Indira Gandhi International Airport, New Delhi, and was, thereafter, produced before this Court as per the directions, contained in our order of 12 th May, 2011. We had, accordingly, directed that the

custody of Ms. Pavithra Murali, be made over to the Superintendent of Tihar Jail and had also directed the matter to be listed today, when she was to be produced from the Tihar Correctional Facility.

4. On the said date, an application had been filed by one Mr. Arunachalam Murali, the father of

the petitioner, in which a prayer had been made to  
direct the Commissioner of Police,  
Mumbai, to produce Ms. Pavithra Murali, before this Bench in  
terms of the order dated 12th March, 2011.

Since

she has already been produced, the said application  
has since become infructuous and  
is disposed of accordingly.

5. Today, Mr. Lalit, has re-  
ferred to an affidavit, which has been filed by  
Ms. Pavithra Murali, indicating that soon after  
the incident,

which had occurred in the Court room, she had left  
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for the United Kingdom on 29th September, 2009, and  
and had, in was pursuing further studies abroad  
fact, completed her Masters degree in Educational  
Research from the University of Exet  
er, U.K. in December, 2011. It has also been indicated th  
at

she has now been pursuing her PH.D. Programme at the  
said university. In her affidavit, Ms. Pavithra  
Murali has also expressed and te  
ndered her unqualified and unconditional apology in respect of  
the incident, which had occurred earlier, and the  
subsequent events, when she was not available in  
Court on the subsequent dates, lead  
ing to the issuance of Red Corner Notice and notice to the  
InterPol.

6. In the circumstances indicated,  
Mr. Lalit submitted that the apology filed by Ms. Pavithra



direct that the petitioner be confined to the Tihar  
Correctional Centre, where she is to be kept for a  
total period of 15 days, including the two days she  
has already been in custody,

as far as th

e sentence

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of three months awarded to the petitioner in the  
contempt proceedings is concerned.

10. Let Ms. Pavithra Murali, be returned to the  
custody of the Tihar Correctional Centre, to serve  
out the remaining part of the sentence.

11. Let the passport of Ms. Pavithra Murali,  
be returned to her, subject to deposit

of the

amount of cost imposed on the contemnor as per the  
order passed on 21st October, 2009, dismissing the  
petitioner's writ petition.

12. The contempt proceedings are dro

pped and

disposed of with the aforesaid observations.

(Sheetal Dhingra)

(Juginder

Kaur)

COURT MASTER

Assistant Re

gistrar