

Reserved On:- 16.05.2025

Delivered On:- 28.05.2025

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15885 of 2024

Applicant :- Haribhan Alias Monu Alias Ramakant

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kumar Rathore, Sanjeev Kumar, Shashi Kumar Mishra

Counsel for Opposite Party :- G.A., Narendra Singh

Hon'ble Siddharth, J.

1. Heard Sri Kamal Krishna, learned Senior Counsel assisted by Sri Rakesh Kumar Rathore, learned counsel for the applicant; Sri Harish Chandra Shukla, learned counsel for the informant; learned A.G.A for the State and perused the material placed on record.

2. There are allegations in the F.I.R that the informant is having old enmity with co-accused, Harish Chandra and earlier dispute and quarrel has taken between them. On 01.12.2023 at about 5 p.m co-accused, Harish Chandra, armed with *lathi*; co-accused, Akhilesh @ Pappu, armed with country made pistol; co-accused, Ratnesh, armed with country made rifle; co-accused, Rohit @ Titu, armed with country made pistol; applicant, Haribhan @ Monu @ Ramakant, co-accused, Ram Bhan and Monu, armed with country made pistol and hockey, came to the house of informant and started abusing. When the informant protested co-accused, Harish Chandra, exhorted all the co-accused to kill them. Informant ran to save his life inside his house. All the accused fired with intention to kill and the daughter of informant, Julie, suffered gunshot injury. Wife of informant, Bittan Devi and daughter, Poonam, were beaten by legs and fists. On hearing the sound of firing number of people in the village collected.

Daughter of the informant was declared dead while being taken to the hospital.

3. Learned Senior Counsel for the applicant submits that six persons are alleged to have opened fire, but the deceased suffered single fire arm injury. The applicant is assigned general role and one of the co-accused, namely, Ratnesh @ Ranvijay Singh, who was also generally implicated and assigned a country made rifle, has already been granted bail vide Criminal Misc. Bail Application No. 11591 of 2024. The role of applicant is similar to the aforesaid co-accused and hence he also deserves to be enlarged on bail. The applicant does not appears to have any previous criminal history.

4. Learned Counsel for the informant, Sri Harish Chandra Shukla, did not replied to the aforesaid arguments raised by the learned Senior Counsel for the applicant and submitted that he wants to make legal and constitutional submissions in this case and may be granted time for the same.

5. This court pointed out that number of adjournments have already been granted to the informant side by this court to the earlier counsel for the informant, Sri Narendra Singh and therefore, no adjournment shall be granted to the counsel for the informant.

6. Counsel for the informant insisted for time, therefore, he was granted liberty to file written submission along with case laws, in case, he wants to file the same and instead of allowing the bail application order was reserved on 16.05.2025.

7. On the next day i.e., on 17.05.2025 learned counsel for the informant, Sri Harish Chandra Shukla, filed the following written

submissions on behalf of informant in the above noted bail application, which is extracted hereinbelow:-

“May please his Lordship !

Written argument, on behalf of informant, opposing the said Criminal Misc. Bail Application No. 15885, follows as under :-

“1. As per case crime version, accused no. 5, Haribhan @ Ashik, initially moved Criminal Misc. Bail Application No. 684 of 2024 in aforesaid case crime, before the learned court of District and Session Judge, Mainpuri, which was rejected, vide order dated 01.04.2024, passed by learned Court of District and Session Judge, Mainpuri.

2. Against the said rejection order dated 01.04.2024, Criminal Misc. Bail Application No. 15885 of 2024, was filed before this Hon'ble Court wherein this Hon'ble Court passed order dated 24.04.2024 followed by various orders like 29.11.2024, 07.05.2025, 12.05.2025, fixing the matter peremptorily on 16.05.2025. The matter was listed as Item No. 25 which was called out to hear the said Bail Application.

3. His goodself of senior Advocate Shri Kamal Krishna, for the bail applicant, Harish Chandra Shukla, informant counsel and Government Counsel for the State, appeared to have their counsel and arguments in the matter.

4. It is his goodself of senior Advocate, Sir, Kamal Krishna, argued six assailants deadly armed with the firearms, disparately are alleged to have opened the fire but without specific and categorical say as to which of them shot the victim dead, causing firearm injury. The Hon'ble Court made query to the counsel of informant to respond the argument so made by said senior Advocate.

5. The counsel for informant responded. Death of victim is true. Victim received firearm injury, it is equally true which caused the death of the victim. It is all in furtherance of common object.

6. On responding as said above, by the counsel for informant this Hon ble Court said, "यह बेवकूफी की बहस है ।" this Hon'ble Court did

not stop here, further repeated and reiterated, “यह बेवकूफी की बहस सुप्रीम कोर्ट में चलती है, हाईकोर्ट में नहीं।”

7. Hearing all this from his Lordship, the counsel for informant went deeply shocked and went filled up with the feeling of dismay. Balancing the equilibrium of body and mind, the counsel for the informant estimated the things to convince this Hon'ble Court with the reference to case of **Veenu Bhai Hari Bhai Malviya and Others Vs. State of Gujrat and Another, (2019)17 SCC, 1** which lays emphasis on the evidence and material collected by just, fair and proper investigation carried on as per provision of The Code of Criminal Procedure, 1973.

8. This Hon'ble Court and his Lordship did not prove probity and honesty even at this moment to hear the counsel for the informant, on the settled legal position between the provision of The Code of Criminal Procedure, 1973, reading it all with Article 21 of Constitution of India, either it is case with the accused person or with the case of victim. Ultimately the counsel for the informant was not heard on the point so raised, keeping him dissatisfied. Further this Hon'ble Court and his Lordship expressed, “Judgment is reserved” you please! Give the written argument with reference to said legal position with said authority of law.

9. It is all stand of the counsel for the informant that throughout approach of this Hon'ble Court was biased and not honest. It is all belief of the counsel for the informant that this Hon'ble Court consisting of his Lordship is yet not honest in the matter and is wholly biased.

10. Giving the written argument, it is stand of the counsel for the informant that it is no license to an inimical unlawful assembly to kill a person and ridicule at asking the departed victim which of us killed you. It the spirit of the departed soul only which can better reply but no system. It is a comparison between life and liberty of a departed soul and accused person/persons who gave a blow to go departed from this world. It is Article 21 itself which can better reply of it whether accused person's /persons' life and liberty sits above the life and liberty of a departed soul who has ceased to exist bodily in this world.

11. However, arising above all, the case of informant is altogether different. Stand of the informant's case better rests on the evidence and material collected which is true with the concept of just, fair and proper investigation, carried with the spirit of Article 21 of Constitution of India, whereupon even trial is taking place, so the argument of senior Advocate Kamal Krishna, Sir has no reasonable nexus with the evidence and material collected and the legal position settled thereon. It is all baseless argument, bereft of virtue as to grant bail for the applicant, seeking the bail, no plea of false recovery or of false extra judicial confession can be have had at this stage unless a just, fair and proper investigation, so made have been challenged and the same have been kept abeyance to have any effect and operation or the proceeding of the same has been quashed or set-aside.

12. As per version of the FIR, it is case of the informant that six named inimical assailant armed with deadly equipped with firearm opening the same and one named inimical accused person armed with lathi, mounted the door of informant to kill the informant and his family members invading, brooding over an awe full atmosphere with dispersed and stampede surroundings, killing the innocent 25 years aged daughter of informant for no fault of her. There can be no sense of killing such an innocent person full of with youth, standing at doorsill of life to cherish and enjoy. It all compared to dose not permit the accused person/persons to claim for liberty as contemplated under Article 21 of Constitution of India.

13. Rising above all the undersigned counsel, doing the case of the informant, has no faith in this Hon'ble Court consisting of his Lordship for justice.

The totality of the case suggests that a copy of this written argument may be made available to Hon'ble Supreme Court through its Registrar General and equally to Hon'ble Chief Justice of Allahabad High Court through Registrar General of High Court Allahabad.”

The copy of this written argument to :-

- 1. The Registrar General of Hon'ble Supreme Court of India.*
- 2. The Registrar General of Hon'ble High Court of Allahabad.*

Date:- 17.05.2025

H.C. Shukla (Harish Chandra Shukla)
Advocate
AOR-A/H0098/2012
Chamber No. 54, New Building
High Court of Allahabad
Mob:- 9554637943

8. A perusal of the aforesaid written submissions submitted by the learned counsel for the informant shows that he has not given any specific reply to the arguments made by the learned Senior Counsel for the applicant. Rather, he has made allegations against the court that court is biased and dishonest. He has no faith in the court consisting of his Lordship.

9. Before proceeding further a look at the case status of this bail application is required which is as follows :-

Case Status : Search by Case Number

PENDING

Case Status - **CRIMINAL MISC. BAIL APPLICATION (BAIL) - [15885/2024]**

[Diary/Token No.: 5879842024]

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Filing No.	BAIL/81305/2024	Filing Date : 16-04-2024
CNR	UPHC052184062024	Date of Registration : 20-04-2024

Case Status

First Hearing Date	24th April 2024
Next Hearing Date	
Coram	
Bench Type	Single Bench
Causelist Type	Daily Cause List
State	UTTARPRADESH
District	MAINPURI

Petitioner/Respondent and their Advocate(s)

Petitioner	Respondent
1. HARIBHAN ALIAS MONU ALIAS RAMAKANT Advocate - SANJEEV KUMAR(A/S2289/2013),RAKESH KUMAR RATHORE(A/R0642/2012),SHASHI KUMAR MISHRA(A/S0926/2012)	1. State of U.P. Advocate - G.A.(GA/2012),NARENDRA SINGH(A/N0094/2012),HARISH CHANDRA SHUKLA(A/H0098/2012)

Acts

Under Act(s)	Under Section(s)
Arms Act, 1959	27,3,25
I. P. C. 1860	506,147,149,148,323,302,504

Category Details

Category	APPLICATION (401500)
Sub Category	401508-U/s 439 Cr.P.C. for bail (major) (401508)

Crime Details

District	: MAINPURI
Police Station	: AUNCHHA
Crime No.	: 265
Year	: 2023

Listing History

Cause List Type	Hon'ble Mr./Ms./Dr. Justice \ In chamber of Registrar(s)/Jt. Registrar(s)	Listing Date	Short Order
Additional/ Unlisted List-2	HON'BLE JUSTICE SIDDHARTH	28-05-2025	Not before me
Daily Cause List	HON'BLE JUSTICE SIDDHARTH	16-05-2025	Judgment Reserved
Daily Cause List	HON'BLE JUSTICE SIDDHARTH	12-05-2025	Date Fixed ,Premptorily
Daily Cause List	HON'BLE JUSTICE SIDDHARTH	07-05-2025	Date Fixed ,Premptorily,Top Ten Cases
Daily Cause List	HON'BLE JUSTICE SAMEER JAIN	17-04-2025	PO
Daily Cause List	HON'BLE JUSTICE SAMEER JAIN	09-04-2025	PO
Daily Cause List	HON'BLE JUSTICE SAMEER JAIN	03-04-2025	PO
Daily Cause List	HON'BLE JUSTICE SAMEER JAIN	26-03-2025	PO

Cause List Type	Hon'ble Mr./Ms./Dr. Justice \ In chamber of Registrar(s)/Jt. Registrar(s)	Listing Date	Short Order
Daily Cause List	HON'BLE JUSTICE SAMEER JAIN	19-03- 2025	PO
Daily Cause List	HON'BLE JUSTICE SAMEER JAIN	10-03- 2025	Left Over
Daily Cause List	HON'BLE JUSTICE SAMEER JAIN	03-03- 2025	Left Over
Daily Cause List	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	21-02- 2025	PO
Daily Cause List	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	07-02- 2025	PO
Daily Cause List	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	29-11- 2024	Week Commencing
Additional/ Unlisted List-1	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	04-10- 2024	PO
Daily Cause List	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	20-09- 2024	PO
Additional/ Unlisted List-1	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	06-09- 2024	PO
Daily IA List	HON'BLE JUSTICE AJAY BHANOT	12-08- 2024	
Daily Cause List	HON'BLE JUSTICE AJAY BHANOT	12-07- 2024	PO
Fresh List	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	24-04- 2024	Date Fixed

10. It is clear from the above status report that this bail application is pending since 20.04.2024. The informant earlier engaged Sri Narendra Singh, Advocate as his counsel who avoided hearing of the application from 24.04.2024 to 07.05.2025. When this court on the request of counsel for the applicant directed the application to be listed peremptorily on 12.05.2025, Sri Harish Chandra Shukla, Advocate appeared on 12.05.2025 and filed his vakalatnama on behalf of informant. He stated that he is not prepared and the matter was adjourned on his request for 16.05.2025. Counsel for the applicant requested that let the matter be listed peremptorily again since on the next date again informant's counsel may not appear or file his illness slip to get the case adjourned, hence the case was listed peremptorily on 16.05.2025 among top-10 cases.

11. On 16.05.2025 again the counsel for informant was not willing to argue and reply to the arguments of the learned Senior Counsel for the applicant as stated earlier hence the order was reserved granting liberty to the counsel for the informant to file written submissions, if any.

12. After considering the written submissions of the learned Counsel for the informant and his conduct, this court finds that the allegations made by learned counsel for the informant against court require consideration by Division Bench of the court, hearing criminal contempt matters. Therefore, the registry of this court is directed to place the record of this case before the appropriate court for initiating proceedings of criminal contempt against Sri Harish Chandra Shukla, Advocate as per section 15 of the Contempt of Courts Act within a week.

13. The Bar Council of Uttar Pradesh is also directed to consider the conduct of the counsel for the informant and decide, after hearing him, whether conduct of Sri Harish Chandra Shukla, Advocate is in consonance with code of conduct for the lawyers in court. Registry of this court will supply the required documents to the Bar Council of U.P within a week.

14. Written submissions of counsel for the informant, Sri Harish Chandra Shukla, are kept in envelope in the court file. Office will not misplace the same from the file.

15. The bail application is released.

16. Put up this bail application before appropriate Court after obtaining nomination from Hon'ble The Chief Justice.

Order Date :- 28.05.2025

Rohit



2025:AHC:193292

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15885 of 2024

Haribhan Alias Monu Alias Ramakant

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rakesh Kumar Rathore, Sanjeev Kumar,
Shashi Kumar Mishra
Counsel for Opposite Party(s) : Harish Chandra Shukla, G.A., Narendra
Singh

Court No. - 46

HON'BLE SIDDHARTH, J.

**Order on Criminal Misc. Application (For Recall and Apology) No. 1A /
8 of 2025**

1. Heard Sri Harish Chandra Shukla, counsel for the informant / recall applicant (hereinafter referred to as 'contemnor') and counsel for the bail applicant.
2. Supplementary affidavit filed by contemnor is taken on record.
3. This recall application has been filed by Sri Harish Chandra Shukla, Contemnor praying for withdrawal of the written submission dated 17.05.2025 filed by him and praying for recalling the order dated 28.05.2025 passed by this court referring the matter to the Bench hearing criminal contempt matters and to drop the contempt proceedings.
4. The applicant is the Contemnor in the above noted bail application who filed a written submission dated 17.05.2025 making serious allegations against the court and, therefore, by the order dated 28.05.2025 reference was made to the Bench hearing criminal contempt matters in this court.
5. After notices were issued to the contemnor by the Division Bench of this court hearing criminal contempt matters, the informant had filed this application praying for recalling of the contemptuous written submission dated 17.05.2025 and also the order of reference dated 28.05.2025 passed by this court considering the contents of the same.

6. The contemnor is counsel for the informant in the above noted bail application and he was not willing to argue the bail application on the date fixed. The earlier counsel for the informant had sought adjournments earlier also and the bail application was pending for hearing since 20.04.2024. After being listed peremptorily twice on 07.05.2025 and 12.05.2025 the bail application was argued by the counsel for the applicant and counsel for the informant / contemnor on 16.05.2025 and judgment was reserved, granting liberty to the counsel for the informant to file his written submission since he was trying to take adjournment on the ground that he was not prepared and may be given further date to oppose the bail application noted above.

7. After considering the written submission dated 17.05.2025 this court found scandalous allegations made therein amounting to criminal contempt, hence the matter was referred to the Division Bench of this court hearing criminal contempt matters and also to Bar counsel of Uttar Pradesh to consider the conduct of the informant and decide whether his conduct is in consonance with the code of conduct of the lawyers of court by the order dated 28.05.2025.

8. This court also released the aforesaid bail application by the same order to be placed before Hon'ble The Chief Justice for nominating it to another Bench. Thereafter, on the pretext of pendency of the above noted recall application the counsel for the informant / contemnor has got the matter adjourned from the coordinate Bench. Therefore, it is clear that counsel for the informant has succeeded in his design to delay the hearing of bail application for further period of more than five months from 28.05.2025.

9. Counsel for the bail applicant submits that the counsel for the informant / contemnor will not permit the coordinate Bench of this court to proceed with the bail application unless above noted recall application is decided. He creates ruckus before the court where the bail application is listed on the ground that his recall application is pending before this court. He has further submitted that the court may pass appropriate order on recall application today so that his bail application gets heard by the coordinate Bench wherever it is listed. Counsel for the informant is being unduly benefited by filing of the above noted recall application.

10. After considering the rival submissions, this court finds that the counsel for the informant / contemnor is a counsel of this court.

11. His prayer for withdrawal of written submission dated 17.05.2025 cannot be permitted nor the order dated 28.05.2025 deserves to be recalled since the basis of reference made to the Division Bench is the written submission dated 17.05.2205 and the order dated 28.05.2025 of this court was passed on its basis. It will set a very bad precedent and the lawyers like Sri Harish Chandra Shukla, the contemnor will adopt this tactics for getting the case released from the Bench, if it is not favourably inclined, and after institution of contempt proceedings they will pray for pardon.

12. However, keeping in view the fact that the counsel for the informant / contemnor has made statement before the court that he has profound respect and honour for this court and he tenders unqualified apology for the same and expresses his regret for his action done in writing, the court is inclined to accept his apology but refusing to permit the applicant to withdraw the written submission dated 17.05.2025 and recall the order dated 28.05.2025. His unconditional apology is accepted. The part of the order dated 28.05.2025 referring the matter to the Bench for hearing criminal contempt matters and to Bar Council of Uttar Pradesh shall not be effected by the acceptance of unconditional apology tendered by the contemnor before this court.

13. Lastly, it was submitted by the learned Counsel for the informant / contemnor that having tendered an unqualified apology he stands purged of charges of criminal contempt of this court.

14. In the present case court is not inclined to reject this apology of contemnor as lacking in bona fides. But merely accepting the apology does not necessarily purge a contemnor of the contempt of court which he has committed. The submission of the contemnor is that after accepting the apology it is not open for the court in view of the provisions of [Section 12](#) of the present Act to still award punishment to the contemnor. This contention is not well-founded. The answer to this question would depend on the interpretation of the proviso to [Section 12](#) which says :

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

15. The proviso clearly envisages both situations, namely the discharge of the contemnor or the remission of his punishment. The word "remit" has two connotations. It may either mean complete pardon or merely mitigating the

sentence. According to the Shorter Oxford English Dictionary Volume II the various meanings assigned to the word "remit" are "to forgive or pardon, to abstain from exacting, to slacken or abate. to mitigate, diminish or abate." According to Webster's New International Dictionary the word "remit" connotes "to release wholly, to bate in force or intensity." Thus, a discretion is left to the court even after accepting an apology either to refrain from awarding any punishment to the contemnor or to award him lenient punishment. It is not for nothing that the Legislature has used both expressions in the proviso. If the intention of the Legislature was otherwise, it could have added in the proviso some such terms as "provided that the accused shall be discharged on an apology being made to the satisfaction of the court."

16. This shows that the Legislature intended to retain that discretion in the court. The rationale of such provision is clear, depending as it does on the gravity of the contempt committed by a person. If the contempt is of a minor nature his unconditional apology may in the opinion of the court be sufficient to purge him of his contempt. If, on the other hand, the contempt is of a grave nature, mere acceptance of apology may not be adequate to meet the ends of justice; it may not purge the contemnor. In that case there is nothing to preclude the court from awarding punishment. The contemnor is not right in submitting that the acceptance of an apology *per se* makes it obligatory on the court to discharge the contemnor. The only bar imposed on the power of the court in the matter of accepting an apology vide explanation to [Section 12](#) of the Act is that an apology cannot be rejected on the ground that it is conditional.

17. Prior to this provision even where an apology was tendered at the earliest opportunity the courts frequently rejected the same on the ground that it was not unequivocal or was conditional. That power of the court has now been taken away by the explanation. But the court is not bound even under the new provision to accept a conditional apology in all circumstances. Thus, for instance, if it is belated and is offered at a stage when the contemnor finds that the trend of the court is to convict or punish him it may still be discarded on the ground that it is not bona fide. The explanation or the language of [Section 12](#) of the Act in opinion of this court does not touch the power of the court to award punishment even after accepting an apology. A bona fide apology surely must be taken into consideration in mitigating a sentence but it does not purge the contemnor. He cannot claim to be discharged as a

matter of right.

18. The same principle was [laid down in](#) Addl, Sessions Judge Hardoi v Banwari Lal AIR 1948 Oudh 114 : (1948) 49 Cri LJ 108 where it was held that "an apology", though it often mitigates the offence, does not entitle the offender to a discharge as a matter of right and where the contempt is of a grave character in that he addressed a private communication to the Judge in order to influence him in the decision of the case pending before him. in the interest of administration of justice the gravity of the offence requires that he should be punished, in spite of his unqualified apology (Offender was sentenced to suffer a fine of Rs. 100/- and pay Rs. 120/- as costs to the Government Advocate, or in default of payment of fine within two weeks to undergo one month's simple imprisonment). Thus, even though an apology was accepted the sentence was awarded to the contemnor. In Railway Magistrate v. Rajjan Lal AIR 1952 Madh Bha 176 the facts were that a person called at the residence of the Magistrate and asked him to release the accused on bail if he (the Magistrate) desired that he should not be humiliated. It was held that the act of the accused person was most reprehensible. Although he had tendered an unqualified apology which had been accepted it was observed :

"Where the contempt is of a grave character, in the interest of administration of justice it is but proper that he should be punished in spite of his unqualified apology.

The contemnor was fined Rs. 100/- and also made to pay Rs. 50/- as costs to the Government Advocate. In [Babulal Shukla v. Shivpratapsingh](#) the apology was not held sufficient to purge the contempt but the sentence was mitigated. It was observed :

An apology is not always considered as a remedy for the mischief caused by the publication of objectionable matter but it is taken into account in considering steps to be taken and the punishment to be awarded to the person accused of having committed contempt of court. It is also considered as an extenuating circumstance....

It was further observed:

The question to be determined in each case is whether the Court should accept the apology and hold it sufficient to purge the contempt and let off the opponent. In considering this aspect the past conduct of the person accused of having committed contempt and the nature of the impugned publication must be taken into account."

19. In ***State of Hyderabad v. C. Nataraiian. AIR 1954 Hyd 180 : 1954 Cri LJ 1300 (D.B.)*** in a communication addressed to the Chief Justice of

Hyderabad by the contemnor, an advocate of 22 years standing, allegations were made to the effect that he was an outsider, a job hunter, a dictator an autocrat and "a Jaffery of Irish fame" and further his behaviour and attitude were contrasted with the ex-Chief Justice of Hyderabad and the Chief Justice of another High Court, and the copies of the communications were addressed to Prime Minister of India, Home Minister. Government of India. Rajpramukh Hyderabad and Chairman. Anti-Corruption Committee. It was held that the communication was scurrilous and extremely offensive and that it amounted to gross contempt of court. The contemnor had submitted an unconditional and unreserved apology and the Judges were particularly impressed by the fact that when his counsel was trying to address the Court on certain aspects of the case, he stopped him and instructed him to leave it to the mercy of the Court. Still he was punished, though it was considered sufficient to impose on him a fine of Rs. 50/- only.

20. It is court's considered opinion that in the instant case the contemnor has committed grave contempt. He scandalised this court and made scurrilous attacks on the court after he failed to get the hearing of bail application adjourned. Proceedings in contempt are meant to keep untarnished the seat of justice and free from attack on its integrity and impartiality or from influences that tend to interfere with the administration of justice. Where the integrity of a court is attacked the authority and dignity of the court are jeopardised. The written submission dated 17.05.2025 submitted by the contemnor was a clear imputation against the integrity of the court and the contemnor cannot be purged of contempt by mere apology though the Division Bench may take note of the apology for the purpose of mitigating the sentence to be imposed on him. In the opinion of this court where the allegations of are recklessly made by a person against the court and attack is made on the court's motive while discharging its judicial duties the contemnor should not escape scot-free.

21. The law punishes the contemnor out of no personal consideration for the Judge. The punishment is not meted out as a 'balm to hurt mind'. Nor is there in the law there is any malice against him, who is punished. The power is exercised by the Court as a representative in this respect of the people, the ultimate sovereigns and in their interest and for their good. The maintenance of the authority of the judiciary is indispensable to the stability of the nation.

22. An apology in a case of contempt such as the one before this court

cannot have the effect of taking the sting out of the contempt. We have to bear in mind the greater interest of the judiciary and the public, not so much the personal affront made by the contemnor but the public wrong that a contempt of this nature involves. It is duty of court to see that such attempts are suppressed in the larger interest of the Judiciary / Country.

23. The above recall application is only *partly allowed*, to the extent it submits apology. Regarding purging of contemnor for contempt, it is for the contempt court to decide, in view of the legal position in this regard found by this court and considered hereinabove.

October 31, 2025
Rohit

(Siddharth,J.)