

Ramchandra Mahapatra

Vs

State of Orissa

Criminal Appeal No. 173 of 1975

(E.S. Venkataramiah R.B. Misra JJ)

04.01.1983

JUDGMENT

VENKATARAMIAH, J. –

Heard Mr. Vinoo Bhagat, learned counsel for the appellant. The appellant is found guilty by the High Court of an offence punishable under Section 12 of the Contempt of Courts Act, 1971 for having written a letter containing certain scurrilous allegations against a Sub-divisional Magistrate (Judicial) in the State of Orissa. When the case was taken up by the High Court for consideration the learned counsel for the appellant produced before it a statement containing an unqualified apology tendered by the appellant. The statement had been duly signed by the proper to exonerate the appellant from the criminal liability incurred by him. Ultimately the High Court convicted the appellant for the offence referred to above and sentenced him to simple imprisonment for one month. Aggrieved by the Judgment and order of the High Court the appellant has filed this appeal under Section 19 of the Contempt of Courts Act. We have gone through the record of the case. The appellant wrote the letter containing scurrilous allegations stated above in the year 1974 and he was found guilty of the offence under the Contempt of Courts Act in the year 1975. He is now on bail pursuant to an order made by this Court for nearly eight years. Shri Vinoo Bhagat, learned counsel for the appellant very fairly submitted that the appellant should not have written the letter in question and he had done so when he was under great mental stress owing to certain proceeding which had been initiated against him by his wife who had abandoned him. He again reiterates before this Court that the unqualified apology tendered by the appellant before the High Court may be accepted and that the sentence imposed on the appellant may be set aside. Having regard to the nature of the accusation and the delay of eight years we are of the view that this is a fit case in which we should accept the unqualified apology tendered by the appellant and set aside the sentence imposed by the High Court on him. We accordingly accept the unconditional apology tendered by the appellant and quash the sentence imposed on him by the High Court in these proceedings. The appeal is accordingly allowed.

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