

P. Kasilingam

Vs

P. S. G. & Sons Charities, Poolamedu, Coimbatore

Criminal Appeal No. 328 of 1987

(Ranganath Misra, M. M. Dutt JJ)

04.08.1987

ORDER

1. Though the matter has been listed for preliminary hearing, we heard Mr. Ramamurthy in support of the appeal and Mr. Soli J. Sorabjee, for the respondent, on merits to find out whether there was anything substantial which would require examination on admission of the appeal.

2. Three contentions were advanced on behalf of the appellant by Mr. Ramamurthy :

(1) Consent of the Advocate General had not been obtained in the matter to initiate the proceedings;

(2) The appellant had offered apology which fact has been noticed by the High Court in its judgment, but effect has not been given to it; and

(3) Circumstances existed in the case which had agitated the appellant and that deserved consideration of the High Court.

3. So far as the first contention is concerned this question was not raised before the High Court and Mr. Ramamurthy wanted to place the papers before us to show that there is merit in the contention of the appellant. We are not permitting Mr. Ramamurthy to raise this plea for the first time here.

4. Offering of an unconditional apology has its due reflection in the quantum of punishment and it cannot completely absolve contempt.

5. Coming to the last contention that there were circumstances on account of which the appellant was agitated, we hold that it would not justify making of allegations under consideration.

6. We do not, therefore, find any question of real merit for our consideration.

7. Coming to the question of sentence of fine, we are of the view that the sentence of fine be reduced to Rs. 250 on the facts of the case. In default to pay the fine within one month from today, the appellant shall suffer 15 days' simple imprisonment.

8. The appeal is disposed of accordingly.

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