

Khushi Ram

Vs

Hon'ble High Court, Punjab and Haryana and Another

Criminal Appeals Nos. 133 with 186 of 1980

(K. Jayachandra Reddy, G. N. Ray JJ)

28.08.1992

JUDGMENT

1. Both these appeals arise out of the common judgment. Appellants are convicted under S. 2(c) (i) read with S. 12 of the Contempt of Courts Act. Khushi Ram, appellant in Crl. A. No. 133 / 80 is sentenced to six months simple imprisonment and a fine of Rs. 1,000/-, in default of payment of fine to undergo simple imprisonment for two months. Banshi Dhar one of the appellant in Crl. A. No. 186/ 80 is sentenced to undergo simple imprisonment for four months and to pay a fine of Rs. 500/-, in default of payment of fine to undergo simple imprisonment for one month. Prabhu Dayal Patwari another appellant in Crl. A. No. 186/80 is sentenced to pay a fine of Rs. 500/- in default of payment of fine to undergo simple imprisonment for one month.

2. Khushi Ram is an author of the article which is published in a weekly newspaper 'Guru Bhumi' making scandalising remarks about the Courts at Gurgaon. Banshi Dhar was the Proprietor and Editor of the Paper and Prabhu Dayal Patwari is the owner of the Printing Press. The High Court took notice of the Article and issued a Show Cause Notice and after hearing the contemnors held that all the three of them had committed an act of criminal contempt and accordingly convicted them. Banshi Dhar, however, tendered an apology and he was sentenced to a lesser period. The High Court further held that Prabhu Dayal Patwari who was the owner of the Printing Press did not have a direct dealing in the publication of the Article and in that view of the matter he is only sentenced to pay a fine. We have perused the judgment of the High Court. As rightly observed by the High Court the Article contained scandalising remarks about the Courts which is highly objectionable and such Articles are calculated to bring the judiciary into ridicule with a view to shake the confidence of the people.

3. The learned counsel for the appellants particularly Khushi Ram and Banshi Dhar submitted that they are aged above 80 years and both of them are in Jail for sometime. Khushi Ram was in Jail for about a month. Banshi Dhar who tendered an apology, was also in Jail for a fortnight. Having regard to special circumstances we, while dismissing these appeals, reduce the sentence of simple imprisonment of Khushi Ram and Banshi Dhar to the period already undergone. The sentence of fine with default clause of the three appellants are confirmed. These appeals are dismissed subject to the above modification. Order accordingly.

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