

Chandigarh Newslines (Indian Express Group) Re .:

Suo Motu Contempt Petition No. 286 of 1998 in SLP (C) No. 23360 of 1997

(Dr A. S. Anand, D. P. Wadhwa JJ)

31.07.1998

ORDER

1. Taking note of a news item reading "SC orders removal of Homoeo Council Chief", in the Chandigarh Newslines published by the Indian Express Group, Chandigarh on 30-4-1998, this Court on 1-5-1998, being of the view that not only the heading of the news item was absolutely incorrect and misleading but even the contents were misleading and the news item had been published while the matter was pending in this Court, issued notice to the Reporter, Mr. K. B. Kapur as well as the Editor of the Indian Express, Chandigarh to show cause why proceedings for committing contempt of court be not initiated against them. In response to the notice, both the respondents are present in court along with their learned counsel, Mr. Jaitley. At the request of the Court, the learned Solicitor General is also present to assist the Court.

2. The contemnors have filed their reply-affidavits admitting their mistake and serious lapse, and have tendered unconditional apology to this Court. It has also been brought to our notice by Mr. Jaitley that as early as on 4-5-1998, an apology had been published in the Chandigarh Newslines, which reads thus :

"AN APOLOGY##

It has come to the notice of this paper that the report 'SC orders removal of Homoeo Council Chief' (April 30) is erroneous.

On enquiry, it appears that the original report is in fact erroneous.

It was stated in the report that there were directions, in a decision of the Supreme Court announced on April 24 that the State Government was to replace the Chairman of the Punjab Homoeopathic Council.

It has since been clarified that no such decision or direction was announced or given by the Apex Court. The original report was based on a misinterpretation of a communication received by the Punjab Government from R. S. Sodhi, Additional Advocate General, Punjab.

The newspaper realises the possible repercussions on the pending matter before the Apex Court due to the inadvertent misinterpretation of the communication as aforesaid.

The error, though grave, was entirely unintentional and is deeply regretted."

3. It is submitted by Mr. Jaitley, that the apology was published before the service of contempt notice on both the contemnors and that the apology had been published on realising the mistake. Mr.

Jaitley, learned Senior Counsel, further submits that both the respondents are truly repentant and have bona fide tendered their unconditional apologies for the mistake committed by them and that both of them assure that they shall be more careful in future. It is submitted that they had no intention to prejudice the proceedings pending in this Court. Both the contemnors have placed themselves at the mercy of the Court submitting that their lapse, though grave, was unintentional and they sincerely regret their mistake.

4. After hearing the learned Solicitor General and Mr. Arun Jaitley and perusing the record as also the unconditional apology submitted by both the respondents, and taking note of the apology published in the Chandigarh Newslines dated 4-5-1998 voluntarily, we are satisfied that the respondents are now truly repentant and that their apologies are sincere and bona fide. Under the circumstances, while warning them to be careful in future, we do not now consider it necessary to proceed any further with the contempt proceedings. We, accordingly, drop those proceedings. The rule issued against the respondents is accordingly discharged.