

SUPREME COURT OF INDIA

K.K.Jha "Kamal"

Vs.

Jharkhand High Court

CrI.A.No.1673 of 2007

(Kurian Joseph and Sanjay Kishan Kaul, JJ.)

10.07.2018

JUDGMENT

Kurian Joseph, J.,

1. Respondent-Jharkhand High Court initiated proceedings against the appellant under the Contempt of Courts Act, 1971 and convicted him for the offence of criminal contempt and sentenced him to undergo sentence of simple imprisonment for six months. There was also a direction to the Bar Council of India to take appropriate action against the appellant. It was made clear that until the appellant purged with the contempt, he would not be entitled to practise under the jurisdiction of the respondent-High Court, except for the chamber practice. As per the interim Order dated 3rd December, 2007 while admitting the appeal, the sentence of imprisonment awarded to the appellant was stayed by this Court.

2. It is seen from the order of this Court dated 22nd February, 2017 that this Court had also taken note of the an accident. We find from the order dated 2nd February, 2013 of the Bar Council of India that they had dropped the proceedings against the appellant on account of his serious ill-health, having met adverse health condition of the appellant.

3. Mr. Krishnanand Pandey, learned counsel appearing for the respondent-High Court, submits that the appellant has not been practising in the jurisdiction of the Jharkhand High Court.

4. Having regard to the peculiar facts and circumstances of the case, we are of the view that interest of justice would be met and complete justice done in case the Interim Order dated 3rd December, 2007 is made absolute and the appeal is disposed of, thereby vacating that part of the impugned order on sentence of imprisonment. Ordered accordingly.

5. In view of above, the appeal is party allowed.