IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M.P. No.3017 of 2025

Rakesh Kumar, aged about 45 years, son of Jai Nandan Sharma, residing at 6-A Jayanti, Phase-2, Vastu Vihar, Hardag, Jahanabad, Post Hardag, Police Station- Hardag, District- Ranchi … Petitioner

Versus

1. The State of Jharkhand
2. Anil Kumar @ Anil Kumar Verma, aged about 35 years, son of Late Jagat Verma, resident of Shiv Shakti Colony, Chas, Post Chas, Police Station Chas, District Bokaro;
3. Manish Kumar @Sonu, aged about 36 years, son of Navin Kumar Singh, resident of Yaduvansh Nagar, Chas, Post Chas, Police Station Chas, District Bokaro;
4. Akhilesh Kumar Singh, aged about 41 years, son of Ramayan Singh, resident of Quarter No. 511, Sector 3/E, Post B.S. City, Police Station B.S. City, District Bokaro … Opposite Parties

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CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mrs. Ritu Kumar, Advocate
Mr. Dheeraj Kumar, Advocate
Mr. Navin Kumar Raj, Advocate
For the State : Mrs. Kumari Rashmi, APP

2/15.10.2025 This Cr.M.P. has been filed by the petitioner, who is practicing advocate of this Court for modification of the order dated 25.09.2025 passed in ABA No.5362 of 2025 with ABA No.5131 of 2025 passed by this Court.

2. Mrs. Ritu Kumar, learned counsel appearing for the petitioner submits that on the fateful day, some untoward incident occurred in the court proceeding inadvertently by the petitioner, who is arguing counsel in both the ABAs and in view of request made by the Members of Bar, the Court has not passed any sentence order, however, referred the matter to the Jharkhand State Bar Council, considering that the said Body is the disciplinary authority of the advocates. She also submits that the petitioner in categorical terms has tendered unconditional and unqualified apology for such act, which happened on that day. She also

submits that the petitioner has also given an undertaking to the effect that such act will never be repeated by the petitioner before any Court and in view of that the apology may kindly be accepted and the petitioner be exempted to face the consequence of the said order at the behest of Jharkhand State Bar Council.

3. Mr. Rakesh Kumar, learned counsel is also present and in open Court, he submits that he is seeking apology from the Court from the core of heart and apology is not intentional to avoid the rigor of the order. He may kindly be exonerated.

4. The order dated 25.09.2025 in the aforesaid ABAs is passed considering that the law of criminal contempt is concerned with the protection and the maintenance of public confidence in the Courts of law and it is primarily for this reason that the law of criminal contempt forbids the plea of justification. It is manifest that once such a plea is allowed to be raised then far from building up and maintaining the public confidence in the impartiality and integrity of the courts of law it would enable litigants to rake up controversies and throw mud which in the ultimate analysis would erode the same confidence and trust in the courts of law which is sought to be protected by criminal contempt. It is for this reason that criminal contempt is on a signicantly distinct footing from the ordinary law of criminal defamation. In that background the said order has been passed.

5. It is well settled that the true and indeed the sole test for acceptance of an apology is an extremely and genuine contrition felt and exhibited at the very outset. It is open for contemner to show that as a matter of actual fact he had not uttered the contumacious words

attributed to him or committed the act constituting the contempt. However, it does not and cannot lie in his mouth to say that he did use profanely contumacious words, that, in fact, those words were true and justified; then to lead evidence to prove their truth and justification; and when all has failed, then to turn round and say that he tenders an apology. That would be making a farce of the law of criminal contempt. It must therefore, inevitably follow that the pretence of a conditional apology must necessarily be excluded from consideration as a matter of law.

6. The jurisdiction of the Court under the Contempt of Courts Act, 1971 is regulated by well recognised and sound principles of law. The Court has a vide discretion to exercise, keeping in view the facts and circumstances of each case, to hold, whether the contemner should be punished for committing contempt of Court or the apology tendered on his behalf should be accepted. But where the Court intends to accept the apology tendered by the contemner, it has to be satisfied that such an apology is bona fide and is sincere repentance of his deed or omission. The Supreme Court in this regard made certain observations in the case of S. Mulgaokar reported in 1978 (3) SCC 339.

7. It is true that a sincere apology does not entitle a contemner as a matter of right to the remission of sentence. However, this is a sincere meaningful apology tendered at the initial stage with the assurance not to repeat such offence, certainly is a very relevant factor in the proceedings under this Act which need to be considered and which ought to weigh with the Court while passing orders of punishment under this Act.

8. This Court in light of the above and statements made in the

Cr.M.P. and submission made by the learned counsel appearing for the petitioner and apology made by the petitioner in person has got no doubt in mind that contemner in the present case has given or tendered a sincere apology and has satisfied the Court of his undertaking to never repeat such an act again specially when on earlier occasion, it was a bona fide error on ill-advice received by him. The sincere intention, which is stated to be seed of offering such an apology is fully satisfied in this case.

9. The President and Secretary of the Advocate Association and other Members of the Bar have collectively express regrate for whole affair. In such a situation like this, the apology tendered by Mr. Rakesh Kumar, learned counsel is accepted by the Court in the spirit in which he has given. Punishment for crime or a wrong has a positive, but a limited role and a social malady cannot be eradicated merely by inflicting legal punishment. The object of punishing a contemner for committing contempt of court is to uphold the rule of law and to maintain the confidence of the people in the administration of justice. Public confidence in the administration of justice cannot be maintained unless the machinery for the administration of justice functions properly and the machinery cannot function unless all the component parts of the machinery stand at their proper place and perform the respective role assigned to them. It is necessary that a proper atmosphere is created and maintained for the same.

10. In view of the above considerations and in view of the subsequent steps taken by Mr. Rakesh Kumar along with Members of Bar as well as the President and Secretary of Jharkhand High Court Advocate

Association as also the averments made in the present Cr.M.P. requesting for exempting the petitioner, the Court is of the opinion that the matter need not to be proceeded further. The cause of justice would be subserved in adequate measure, if the apology tendered by the petitioner is accepted and proceedings are dropped. In light of the above, the Court finds proper for expedience in the circumstances of the case, where the petitioner deserves a chance.

11. As such, the apology tendered by the petitioner is hereby accepted by this Court.

12. Since the apology has been accepted, the adverse remark made against the petitioner in order dated 25.09.2025 is hereby expunged.

13. The Jharkhand State Bar Council is requested not to proceed against the petitioner further as the unconditional apology has been accepted by this Court.

14. Let this Order be communicated to the Chairman, Jharkhand State Bar Council.

15. This Cr.M.P. is allowed in above terms and disposed of.

(Sanjay Kumar Dwivedi, J.)

15.10.2025, A.F.R.
R.Kumar,