



1

CONCR-5-2026

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,  
ACTING CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 22<sup>nd</sup> OF JULY, 2026

CONTEMPT PETITION CRIMINAL No. 5 of 2026

*IN REFERENCE (SUO MOTU CONTEMPT)*

*Versus*

*SHRI SANJAY SATYENDRA PATHAK*

.....  
Appearance:

*Shri Mukul Rohatgi - Senior Advocate (through VC) with Shri Siddharth Shukla - Advocate (through VC) and Shri Anil Khare - Senior Advocate with Ms. Shamila Iram Fatima - Advocate for the respondent.*

*Shri Devdatt Kamat - Senior Advocate (through VC) with Shri Aryan Urmaliya - Advocate for the intervenor.*

.....  
Reserved on : 15.07.2026  
Pronounced on : 22.07.2026  
.....

ORDER

*Per. Vivek Rusia, J.*

The brief history of this case, which led to the registration of contempt proceedings against Sanjay Satyendra Pathak (hereinafter referred as the contemnor) is that the petitioner Ashutosh Dixit filed a Writ Petition No.28456/2025 before this Court, seeking a direction to the respondent to conclude the enquiry in relation to the complaint dated 31.01.2025, in



2

CONCR-5-2026

accordance with the law laid down by Apex Court in case of *Lalita Kumari vs. Government of U.P.*, reported in *(2014)2 SCC 1*, and if upon conclusion of the preliminary enquiry, the information disclosed in the petitioner's complaint is found to reveal the commission of cognizable offense, the respondent authorities shall forthwith register an FIR. A copy of the complaint is filed as Annexure P/1 in the writ petition, alleging illegal mining by the three companies owned by contemnor , and causing loss of Rs.1,200 crores to the State Government (Rs. 1,000 crores + 18% GST). According to the petitioner, the Economic Offences Wing has forwarded the complaint to the mining department. The mining department has constituted a committee, vide order dated 23.04.2025. In the said writ petition, Sanjay Satyendra Pathak (contemnor) was not pleaded as respondent. The said writ petition came up for hearing on 01.09.2025 and the following order was passed.

*"Application (IA No.16218/2025) for intervention is perused by the Court.*

*Power of attorney executed by the interveners shows the same to be executed by Mrs. Nirmala Pathak W/o. Late Shri Satyendra Pathak and Mr. Yash Pathak S/o. Shri Sanjay Satyendra Pathak, R/o. Katni, Madhya Pradesh.*

*Mr. Sanjay Pathak has made an attempt to call me to have discussion regarding this particular matter, therefore, I am not inclined to entertain this writ petition.*

*Let the matter be placed before the Hon'ble Chief Justice for listing the matter before the appropriate Bench for consideration."*

*( emphasis supplied)*

2. After 01.09.2025, the above writ petition has not been listed for hearing till date. Ashutosh Dixit filed another Writ Petition No.4699/2026,



3

CONCR-5-2026

seeking direction to the respondent No.2/High Court of Madhya Pradesh to take judicial cognisance of the attempt made by contemnor as observed by Writ Court on 01.09.2025. The writ petition came up for hearing before the Division Bench of this Court on 02.04.2026. The Division Bench of this Court has disposed of the writ petition with the direction to the Registry to register a *suo motu* criminal contempt petition against contemnor and directed the matter to be listed on 06.04.2026. Notice was issued on 06.04.2026, and the same was accepted by the learned counsel appearing for the contemnor, who sought time to submit an affidavit explaining the circumstances under which the call was made and tendering an unconditional apology. The contemnor was directed to remain present before this Court on 21.04.2026.

3. Meanwhile, the petitioner Ashutosh Dixit approached the Apex Court by way of SLP challenging the order dated 02.04.2026. The Apex Court dismissed the SLP as withdrawn; thereafter Ashutosh Dixit filed an application for intervention in this contempt reference, which came to be rejected on 21.04.2026 on the ground that no such liberty has been granted by the Apex Court by order dated 20.04.2026 to intervene in the matter. However. Division Bench permitted him to assist the Court without any liberty to file any pleadings.

4. Meanwhile, the contemnor has submitted an affidavit submitting *an unconditional apology* to this Court as well as to the learned Single Judge. According to the contemnor, on or around 30.08.2025, the call by mistakenly



made to the Hon'ble Judge and realising the same, it was immediately disconnected and thereafter out of courtesy, an introductory message was sent. It is submitted by him that he had no conversation at all of whatsoever nature with the Hon'ble Judge. The contemnor again expresses unqualified regret and remorse for the missed call made mistakenly. According to the contemnor, he has shown deepest regard and reverence for the judicial institutions and can never intend to interfere with or influence any administration of justice.

5. Shri Mukul Rohatgi, learned Senior Counsel appearing for the respondent contemnor, also submitted that the call was mistakenly made and immediately disconnected without any conversation; since it was bonafide mistake, the unconditional apology of the contemnor may be accepted, as has been done by the Apex Court in the cases of:

(i) *Ramchandra Mahapatra vs. State of Orissa*, reported in (1983) 2 SCC 275:

*....Shri Vinoo Bhagat, learned counsel for the appellant very fairly submitted that the appellant should not have written the letter in question and he had done so when he was under great mental stress owing to certain proceedings which had been initiated against him by his wife who had abandoned him. He again reiterates before this Court that the unqualified apology tendered by the appellant before the High Court may be accepted and that the sentence imposed on the appellant may be set aside. Having regard to the nature of the accusation and the delay of eight years we are of the view that this is a fit case in which we should accept the unqualified apology tendered by the appellant and set aside the sentence imposed by the High Court on him. We accordingly accept the unconditional apology tendered by the appellant and quash the sentence imposed on him by the High Court in these proceedings. The appeal is accordingly allowed.*

(ii) *O.P. Sharma and others vs. High Court of Punjab and*



*Haryana*, reported in (2011) 6 SCC 86 :

29. In *L.D. Jaikwal v. State of U.P.* it was held by this Court that acceptance of an apology from a contemnor should only be a matter of exception and not that of a rule and expressed its opinion as under:

(SCC pp. 408-09, paras 6-7)

"6. We do not think that merely because the appellant has tendered his apology we should set aside the sentence and allow him to go unpunished. Otherwise, all that a person wanting to intimidate a Judge by making the grossest imputations against him to do, is to go ahead and scandalise him, and later on tender a formal empty apology which costs him practically nothing. If such an apology were to be accepted, as a rule, and not as an exception, we would in fact be virtually issuing a 'licence' to scandalise courts and commit contempt of court with impunity. It will be rather difficult to persuade members of the Bar, who care for their self-respect, to join the judiciary if they are expected to pay such a price for it. And no sitting Judge will feel free to decide any matter as per the dictates of his conscience on account of the fear of being scandalised and persecuted by an advocate who does not mind making reckless allegations if the Judge goes against his wishes. If this situation were to be countenanced, advocates who can cow down the Judges, and make them fall in line with their wishes, by threats of character assassination and persecution, will be preferred by the litigants to the advocates who are mindful of professional ethics and believe in maintaining the decorum of courts.

7. We have yet to come across a Judge who can take a decision which does not displease one side or the other. By the very nature of his work he has to decide matters against one or the other of the parties. If the fact that he renders a decision which is resented to by a litigant or his lawyer were to expose him to such risk, it will sound the death knell of the institution. A line has therefore to be drawn somewhere, some day, by someone. That is why the Court is impelled to act (rather than merely sermonise), much as the Court dislikes imposing punishment whilst exercising the contempt jurisdiction, which no doubt has to be exercised very sparingly and with circumspection. We do not think that we can adopt an attitude of unmerited leniency at the cost of principle and at the expense of the Judge who has been scandalised. We are fully aware that it is not very difficult to show magnanimity when someone else is the victim rather than when oneself is the victim. To pursue a populist line of showing indulgence is not very difficult-in fact it is more difficult to resist the temptation to do so rather than to adhere to the nail-studded path of duty. Institutional perspective demands that considerations of populism are not allowed to obstruct the path of duty. We, therefore, cannot take a lenient or indulgent view of this matter. We dread the day when a Judge cannot work with Independence by reason of the fear that a disgruntled member of the Bar can publicly humiliate him and heap disgrace on him with impunity, if any of his orders, or the decision rendered by him, displeases any of the advocates, appearing in the matter."

\*\*\*



34. Similar affidavits have been filed by other appellants reiterating what they had stated before the High Court and the Magistrate concerned tendering unconditional apology for the incident which took place in the Court at Faridabad. They also assured this Court that they would maintain good behaviour in future. Though sub-section (1) of Section 12 of the Act enables the court to award simple imprisonment for a term which may extend to six months, the proviso empowers the court that the accused may be discharged or punishment awarded may be remitted on apology being made to the satisfaction of the court. In fact, Explanation to this section makes it clear that an apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

35. Considering the plea made by Mr Ram Jethmalani, learned Senior Counsel and President of the Supreme Court Bar Association, in tendering unconditional apology, recorded even at the initial stage before the High Court and before the Magistrate, Faridabad before whom the unwanted incident had occurred and the present affidavits filed before us once again expressing unconditional apology and regret with an undertaking that they would maintain good behaviour in future and in view of the language used in the "proviso" and "Explanation" appended to Section 12(1) of the Act, we accept the affidavits filed by all the appellants.

(iii) *In Re : N. Peddi Raju and others* reported in *2025 SCC OnLine SC 2457*.

16. Be that as it may, recently in the case of *N. Eswaranathan v. State* represented by the Deputy Superintendent of Police, by an order dated 23rd July 2025, a three Judge Bench of this Court, to which two of us (The Chief Justice of India and Mr. Justice K.V. Chandran) were a party, decided a reference with regard to the difference of opinion between two learned Judges of this Court over the issue of the sentence to be imposed on two lawyers of this Court. In the said order, we observed that the majesty of law lies not in punishing someone, but in forgiving someone who acknowledges their mistake. We, therefore, agreed with the view taken by the learned Judge of this Court who had accepted the unconditional apology made by the lawyers therein.

17. Since the learned Judge of the High Court against whom scandalous and scurrilous allegations were made, has accepted the unconditional apology tendered by the alleged contemnors, we are also inclined to accept the unconditional apology tendered by them. However, we put a note of caution that the lawyers who are expected to act as officers of Court, should be careful while subscribing their signatures on the pleadings which are in the nature of making scandalous and scurrilous allegations against the Judges of the Court.

6. Shri Devdatt Kamath, learned Senior Counsel appearing for the writ petitioner Ashutosh Dixit, submits that in view of the order-sheet dated 01.09.2025, the Hon'ble Single Judge specifically mentioned that Mr. Sanjay



Satyendra Pathak has attempted to call me to discuss this particular matter. Therefore, by making a call, Sanjay Satyendra Pathak was intending to attempt to have a discussion about this matter, which comes under the definitions of Section 2(c) (ii) and (iii) of the Contempt of Courts Act, 1971, for which he is liable to be punished.

Heard

7 . The definition of Section 2(c) (ii) and (iii) of the Contempt of Courts Act, 1971 is reproduced below.

*(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or*

*(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;*

8. According to the aforesaid definitions, criminal contempt means doing of any other act whatsoever which prejudices or interferes or tends to interfere with the due course of any judicial proceeding, or obstructs or tends to obstruct the administration of justice in any other manner.

9. Section 12 of the Contempt of Courts Act provides punishment for contempt of court. Under sub-section (1), for a contempt of court one may be punished with simple imprisonment for a term which may extend to six months, or with a fine which may extend to two thousand rupees, or with both. As per the proviso, the contemnor may be discharged, or the punishment awarded may be remitted on apology being made to the satisfaction of the court. As per the explanation, the apology shall not be



rejected merely on the ground that it is qualified or conditional and if the accused makes it *bona fide*. Section 12 is reproduced below.

**12. Punishment for contempt of court.**—(1) *Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:*

*Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Court.*

*Explanation.*—*An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.*

10. Section 13 of the Contempt of Courts Act, as inserted by Act 6 of 2006 with effect from 17.03.2006, says that no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice. Section 13 is reproduced below.

**13. Contempts not punishable in certain cases.**—*Notwithstanding anything contained in any law for the time being in force, —(a) no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice;*

*(b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.*

11. As per the order dated 01.09.2025, the contemnor, in fact, made a call from his mobile to the High Court Judge hearing the writ petition. However, according to the contemnor, the call was mistakenly made and immediately disconnected without any conversation, and thereafter, he sent a message to the Judge to give his introduction. He has not disclosed the content of the message in the affidavit. Therefore, the allegation against the



contemnor, which is established, is only of attempting to contact a High Court judge. However, the contemnor has not disputed or challenged the fact recorded in the order dated 1.9.2025; rather, he has admitted his mistake in this reference. No one who is directly or indirectly connected with any case should make any attempt to meet, call or message the judge who is hearing or about to hear such case. Hence, the act of making call and sending a message by the contemnor comes under the definition of criminal contempt.

12. In view of the above finding, the contemnor should be punished or fined, or both, or his unconditional apology is liable to be accepted. We are satisfied that the contempt is not of such a nature that it did substantially interfere with the due course of justice; Vide order dated 6.4.2026, this Court has already permitted him to submit an unconditional apology. Hence, we are inclined to accept the unconditional apology tendered by him. However, we put a note of caution that a contemnor, who is Member of legislation, is expected not to repeat such an act and should be careful in future. Hence, we hereby accept unconditional apology with the warning to the contemnor not to repeat this conduct in future.

(VIVEK RUSIA)

ACTING CHIEF JUSTICE

(PRADEEP MITTAL)

JUDGE