

A RE : CHANDIGARH NEWS LINE (INDIAN EXPRESS GROUP)

JULY 31, 1998

[DR. A.S. ANAND AND D.P. WADHWA, JJ.]

B

*Constitution of India, 1950 :*

*Article 129—Contempt of Court—Incorrect and misleading news item regarding a matter pending before the Court published in a daily Newspaper—Court took note of the news item and issued contempt notice to Reporter and Editor of Newspaper—Meanwhile before issuance of notice the Newspaper realised the mistake and published an apology in its subsequent edition—On appearing before Court the respondents repented and tendered unconditional apology—Respondents warned to be careful in future—Proceedings dropped—Contempt of Courts Act, 1971.*

D

CIVIL APPELLATE JURISDICTION : Suo-Motu Contempt Petition No. 286 of 1998.

WITH

Special Leave Petition (C) No. 23360 of 1997.

E

From the Judgment and Order dated 26.11.97 of the Punjab & Haryana High Court in C. W. P. No. 14337 of 1997.

S. K. Bagga, Arun Jaitley, P. P. Rao, Sanjay Sarin, Ashok Mathur, Mrs. Tanuja Sharma, Mrs. Shurestha Bagga, Ms. Indu Malhotra, Trideep Pais and R.S. Sodhi for the appearing parties.

F

The following Order of the Court was delivered :

Taking note a news item reading "SC orders removal of homoeo council chief", in the Chandigarh Newsline published by the Indian Express Group, Chandigarh on 30.4.1998, this Court on May 1, 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

H

in Court along with their learned counsel Mr. Jaitely. At the request of the Court, the learned Solicitor General is also present to assist the Court. A

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. Jaitely that as early as on May 4, 1998 an apology had been published in the Chandigarh Newslines, which reads thus : B

“AND” APOLOGY

It has come to the notice of this paper that the report "SC orders removal of homoeo council chief" (April 30) is erroneous. C

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. D

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. E

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

It is submitted by Mr. Jaitely, 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. Jaitely, learned senior counsel further submits that both the respondents are truly repentant and have bonafide 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 for their mistake. G

H

- A 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 Newsline dated 4th May, 1998 voluntarily, we are satisfied that the respondents are now truly repentant and that their apologies are sincere and bonafide.
- B 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 proceeding. The rule issued against the respondents is accordingly discharged.

R.P.

Petition disposed of.