

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 115 OF 2016

AJAY KUMAR PANDEY

Appellant(s)

VERSUS

IN RE:- PIYUSH VERMA ADDL.
CIVIL JUDGE (JUNIOR DIVISION)
JALAUN AT ORAI

Respondent(s)

J U D G M E N T

KURIAN, J.

1. The appellant is aggrieved since he has been convicted under the Contempt of Courts Act and sentenced to undergo six months' imprisonment. There is also a direction that the appellant shall not enter the premises of District Judgeship, Auraiya, U.P. for a period of five years.

2. In another case, the appellant suffered the same punishment and we are informed that the appellant has served the term of six months in jail. While the appellant was serving the term, this appeal was moved and taking note of the remorseful conduct, as expressed through the learned counsel, we permitted the appellant to file an affidavit before the High Court. Accordingly, the appellant has filed an affidavit before the High Court and a copy of the same has been produced on 27.06.2016. Paragraphs 8

to 11 of the said Affidavit dated 03.05.2016 read as follows :-

"8. The deponent states that he sincerely regrets that his conduct was inappropriate.

9. The deponent hereby tenders an unconditional apology and assures this Hon'ble Court that the deponent shall never indulge in any inappropriate behaviour of similar nature in future.

10. The deponent undertakes to never indulge in any behaviour which in any manner would result in lowering the prestige of any Court in India.

11. The deponent is extremely remorseful of his past conduct and is tendering an unconditional apology for his past conduct and assures this Hon'ble Court that he will not indulge in any such behavior in future also and is sincerely praying that this Hon'ble Court may graciously be pleased to accept the present unconditional apology."

3. In a recent Judgment in *Mahipal Singh Rana Vs. State of Uttar Pradesh* reported in (2016) 6 SCALE 353, [Criminal Appeal No. 63 of 2006], a three-Judge Bench of this Court has held that once an advocate is convicted of an offence involving moral turpitude, his licence to practice will stand suspended for a period of two years.

4. Now that the octogenarian father of the appellant has taken initiative to appeal to the good sense of his son, who is around 50 years of age, and in view of the apology, we are of the view that the appellant need not undergo further incarceration. Therefore, this appeal is allowed to the extent of removing the sentence of imprisonment imposed on the appellant, but retaining the order in all other respects and additionally, with the imposition of the suspension of licence for a period of two years.

5. Mr. Gaurav Aggarwal, learned counsel appearing for the appellant, has submitted that the jail authorities have not yet released the appellant, though he has already served six months in jail, apparently on the ground that the sentence is not concurrent, but consecutive. Now that we have passed the Judgment in this appeal removing the sentence of imprisonment from the impugned Judgment, the

appellant shall be released forthwith, unless he is required to be detained in connection with any other case.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
July 29, 2016.



JUDGMENT