

(2010) 01 JH CK 0033

Jharkhand High Court

Case No: None

Sri Jitendra Nath Tripathi

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: Jan. 21, 2010

Hon'ble Judges: Amareshwar Sahay, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

Amareshwar Sahay, J.

Heard Mr. Anil Kumar Sinha, learned senior counsel on behalf of the contemnor as well as Mr. Atanu Banerjee, learned Counsel for the petitioner on the point of sentence.

2. It appears that in the order dated 22/12/2009, holding the contemnor guilty for contempt of Court a typing error has occurred at page 6 of the order. In the 8th line from top at page 6 the word "initially" has wrongly been typed in place of "intentionally". Such typing mistake is purely a clerical error and, as such, the same may be read as "intentionally" in place of "initially".

3. Pursuant to the order dated 22/12/2009, passed by this Court in the present proceeding, the contemnor Fidelis Soreng, Director, (Secondary Education) Human Resources Development Department, Government of Jharkhand has filed his show cause on the point of sentence. In his show cause he has stated that he had no intention as such not to comply the order of this Court passed on 29/11/2006. It is submitted that the contemnor did not willfully disobey the order of this Court and he has never been punished nor has been called upon in any contempt proceeding at any time earlier and, therefore, in place of awarding punishment he may be let off after due admonition. It is further stated that the order of this Court passed on 29/11/2006 has already been complied with and the entire salary for those periods

has already been paid to the petitioner.

4. By order dated 22/12/2009, in this proceeding, this Court has already held that the contemnor has intentionally and deliberately violated the order of this Court passed on 29/11/2006 in W.P.S. No. 2407 of 2006 and, therefore, he has committed contempt of this Court.

5. Power to punish for contempt is to uphold the majesty of law and of the administration of justice. The circumstances of the case show, that the contemnor had acted willfully and he deliberately violated the order of this Court

6. In a proceeding for contempt, when a person is found guilty for committing contempt of Court a general rule is that he should be awarded punishment of fine. Punishment of imprisonment is awarded in exceptional cases.

7. In the present case, in view of the fact that now the contemnor has complied the order of this Court and, therefore, if the punishment of fine is awarded that will meet the ends of justice. Accordingly, the contemnor Fidelis Soreng, Director, (Secondary Education) Human Resources Development Department, Government of Jharkhand, is hereby awarded punishment of payment of a fine of Rs. 2000/- (two thousand only) to be deposited within a period of four weeks for committing contempt of this Court, failing which he shall suffer simple imprisonment for a term of 15 days.