

**Virender Kumar and ors. Vs. Manik Chandra Gupta and anr.**

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**Court :** Supreme Court of India

**Decided On :** Jan-22-1979

**Reported in :** 1980Supp(1)SCC780

**Judge :** A.P. Sen,; D.A. Desai and; V.R. Krishna Iyer, JJ.

**Appeal No. :** Criminal Appeals Nos. 13 and 14 of 1979

**Appellant :** Virender Kumar and ors.

**Respondent :** Manik Chandra Gupta and anr.

**Judgement :**

A.P. Sen,; D.A. Desai and; V.R. Krishna Iyer, JJ.

1. The appellants had shown belated contrition for scandalising a Magistrate and had paid the penalty by inviting the High Court's legitimate punishment. However, here they appeal before us through Shri Garg to say that the majesty of the law will be vindicated by a token incarceration of his clients. We had directed that the appellants be remanded to custody in the Tihar Jail last Thursday and that has been executed. The appellants are now in jail. Even so we think that the appropriate course would be to pass the following order:

(a) The period of imprisonment is reduced to the period already undergone and the appellants will be released tomorrow from the Tihar Jail where they are serving their term.

(b) The first appellant, the Editor, will tender a written apology to the Magistrate whom he had scandalised in his paper and will publish the factum of the conviction and apology in the next issue of his paper. We allow the appeal to this extent.

2. We insisted on the appellants being committed to prison largely because the contempt was committed with reference to a Magistrate and the subordinate judiciary needs the protection of the contempt law from the High Court and this Court. We have reduced the period of imprisonment in view of the special facts and background mentioned by the appellants' counsel before us.

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