

Neutral Citation No. - 2025:AHC-LKO:31027-DB
Reserved

Case:-CONTEMPT APPLICATION (CRIMINAL) No.1493 of 2021

Applicant :- State of U.P.

Opposite Party :- Asok Pande

Counsel for Applicant :- G.A.

Counsel for Opposite Party :- In Person

Hon'ble Vivek Chaudhary,J.

Hon'ble Brij Raj Singh,J.

(Order on I.A. No.1 of 2025 (Recall Application For Recall of Order dated 10.4.2025) as well as on the Notice given to the Contemnor under Chapter XXIV Rule 11(3) of the Allahabad High Court Rules, and on Contempt Application)

1. Heard learned A.G.A. for the State and the contemnor in person.
2. By order dated 10.4.2025, this Court found the contemnor guilty of contempt and thereafter passed the following order:

"31. Accordingly, we impose the following punishment on the contemnor:

"The contemnor is sentenced to six months' simple imprisonment and fine of Rs.2000/-. In case of failure to pay the fine within one month from today, the contemnor shall undergo further imprisonment of one month."

32. Contemnor is directed to surrender before the Chief Judicial Magistrate, Lucknow within four weeks from the date of this judgment to serve the sentence imposed herein.

33. We also find it a fit case where the contemnor should be restrained from practicing in the High Court at Allahabad and Lucknow for a period of three years. Hence, a notice is given to the contemnor under Chapter XXIV Rule 11(3) of the Allahabad High Court Rules, as to why he should not be debarred from practicing before the High Court at Allahabad and Lucknow for the aforementioned period.

34. Reply may be filed by the contemnor by 1.5.2025.

35. List this case on 1.5.2025.

36. The contemnor shall remain present on the date fixed.

37. A copy of this order shall be communicated to the Registrar General as well as the Senior Registrar at Allahabad and Lucknow respectively for communication and compliance."

3. In view of aforesaid, the case was listed on 01.05.2025 and on request of contemnor, he was heard on 01.05.2025 and thereafter, on different dates. The contemnor also filed the present application dated 01.05.2025 in Court for recall of order dated 10.4.2025.

4. In the recall application and the affidavit filed along with the same, the contemnor has not given any reason for recalling the said order, but has submitted that he should not be punished. The order dated 10.4.2025 was passed after giving a thorough hearing to the contemnor. Since it is not an ex-parte order, there does not appear any reason to recall the same. The same considers at length all the submissions that were made by the contemnor. Therefore, we do not find any reason to recall the order passed after hearing the contemnor.

5. The contemnor, however, made a submission that he was not separately heard on punishment. He prays that the said opportunity should be granted to him. Thus, we heard the contemnor at length on punishment, though already given. The sole submission of contemnor on punishment is that the Supreme Court in the case of ***Prashant Bhushan and another "Suo Motu Contempt Petition (Criminal) No.1 of 2020"*** granted punishment by imposing a fine of Rs.1/- only. Similarly, the contemnor should also be punished by imposing a fine of Rs.1/- only.

6. So far as the case of ***Prashant Bhushan*** (supra) is concerned, the same was the only contempt faced by the contemnor in the said case. In the present case, the contemnor has already been punished in Contempt Application (Criminal) No.103 of 2017 in which the Court sentenced him to three months' simple imprisonment with fine of Rs.25,000/-, and also restrained him from entering in the premises of High Court at Allahabad and Lucknow for a period of two years, and further, he is facing six other contempt petitions. Thus, it is not possible for this Court to grant parity to the contemnor with the case of ***Prashant Bhushan*** (supra).

7. During course of submissions, the contemnor also accepted before the Court that he actually was having his shirt's top two buttons open while addressing the Court, which initiated the contempt proceedings and did not button it properly even when Court asked. He could not, even before this Court, give any reason for such a conduct and for refusal to properly button his shirt.

8. The contemnor has also submitted his unconditional apology before this Court by an affidavit. Looking into the submission of the contemnor as also his previous conduct and punishments, we do not find any reason to accept his apology, as the same is very belated and is also not bonafide. We also do not find any reason to make any modification in the punishment awarded to the contemnor by order dated 10.4.2025 of six months' simple imprisonment and fine of Rs.2000/-, and in case of failure to pay the fine within one month, the contemnor shall undergo further imprisonment of one month.

9. So far as notice given to the contemnor under Chapter XXIV Rule 11(3) of the Allahabad High Court Rules regarding restraining him from practicing and entering in the premises of the High Court at Allahabad and Lucknow for a period of three years is concerned, the contemnor has submitted that his practice in this Court is his only livelihood and he has no other means to earn and, hence, the same may be reduced to three months. In fact, the contemnor has given an affidavit undertaking that he shall not enter the premises of the High Court at Allahabad and Lucknow for a period of three months.

10. Looking into the previous act of contemnor, more specifically when earlier contemnor was restrained from entering in the premises of this Court for two years, and despite that, contemnor has not shown any improvement in his conduct, we are not satisfied with the aforesaid submission.

11. In the given circumstances, the contemnor is restrained from practicing and appearing before this Court at Allahabad and Lucknow

for a period of three years. He is also restrained from entering in the premises of High Court at Allahabad and Lucknow during the said period, unless specially ordered by this Court.

12. In view of above, the recall application is *rejected*.

13. Let a copy of this order be forwarded to the Registrar General and the Senior Registrar of this Court for ensuring compliance of the order.

14. The contemnor is permitted to surrender before the Chief Judicial Magistrate, Lucknow, within two months from today and also to deposit fine of Rs.2000/- before the Senior Registrar of this Court within one month from today, failing which, the contemnor shall undergo further imprisonment of one month.

15. The contempt application also stands *allowed*.

[Brij Raj Singh,J.] [Vivek Chaudhary,J.]

Dated: 26.5.2025
Sachin