2025 INSC 1408

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2267 OF 2025

VINEETA SRINANDAN ...APPELLANT(S)

VS.

HIGH COURT OF JUDICATURE AT BOMBAY ON ITS OWN MOTION. ...RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. The power to punish necessarily carries within it the concomitant power to forgive, where the individual before the Court demonstrates genuine remorse and repentance for the act that has brought him to this position. Therefore, in exercise of contempt jurisdiction, Courts must remain conscious that this power is not a personal armour for Judges, nor a sword to silence criticism. After all, it requires fortitude to acknowledge contrition for one's lapse, and an even greater virtue to extend forgiveness to the erring. Mercy, therefore, must remain an integral

part of the judicial conscience, to be extended where the contemnor sincerely acknowledges his lapse and seeks to atone for it.

FACTUAL MATRIX

2. The present appeal is by appellant-contemnor under Section 19(1)(b) of Contempt of Courts Act, 1971[1] preferred against judgment dated 23rd April, 2025, passed by the Division Bench of High Court of Judicature at Bombay ("High Court") in Suo Motu Criminal Contempt Petition No. 2 of 2025, whereby the appellant-contemnor was held guilty of committing the offence of criminal contempt of court punishable under Section 12 of Contempt Act, sentenced her to undergo simple imprisonment for a period of one week and imposed a fine of Rs. 2,000/-.

3. Brief facts, germane to the controversy at hand, are narrated hereinbelow: -

3.1. Appellant-contemnor is a former Director, Cultural of Seawoods Estates Ltd. (hereinafter referred to as "Seawoods"). In an already pending writ petition[2] filed by Seawoods before the High Court, laying challenge to the *vires* of Rule 20 of the Animal Birth Control Rules, 2023, one Ms.

[1] Hereinafter, "Contempt Act".
[2] Writ Petition No. 11652 of 2023.

Leela Verma had moved an intervention application[3]. She filed an affidavit stating that the present appellant-contemnor had issued a circular (hereinafter "contemptuous circular") dated 29th January, 2025. The relevant portions of the said circular are as follows: -

"SEL/CLR/31 /6558/2025
29th Jan. 2025

How Democracy is being crushed by Judicial System?

The entire country has a stray dog menace, and most of the urban residential societies in class A cities are struggling to fight this dog feeder's mafia spread across the country. This is such a huge well-established network of trained professionals who have a very strong presence in the Judicial system too.

So much so that if affected societies want to show videos or photos of the dog attacks, show information of fake cases filed by dog feeders, or show videos showing training of feeders where they are training their female members to file fake molestation cases against people who stop their illegal activities of feeding pack of strays in areas close to houses of other people, then Judges don't want to see them and completely avoid taking cognizance of such material. In one case, where we had shown the video of a Dog attack on a small girl in front of building 11 to the Hon'ble Bombay High Court made fun of it and outrightly rejected it by saying that the dog wanted to play with that girl.

Now we are convinced that there is a big Dog mafia operating in the country, who has a list

[3] Interim Application No. 10251 of 2024

of High Court and Supreme Court judges having views similar to the dog feeders.

No matter how many people are dying or attacked in the country every year but most of the high court/supreme court orders will defend dog feeders ignoring the value of human life.

…

…

2. Despite the latest status being on record, the Hon'ble Court insisted on implementing the 20th March 2023 order on us which is meant for community animals (which are born inside) and we do not have any community animals at all. Still Justice wants to impose this illegal order on us by using his power on the NMMC officer and the police.

For, SEAWOODS Estates Limited

SD/-
Vineeta Srinandan
Director Cultural."

3.2. The High Court, *vide* order dated 4th February, 2025, observed that the said circular was contemptuous in nature and ordered that appellant-contemnor be intimated the same. The High Court wanted to ascertain whether the statement made in the contemptuous circular was passed in private capacity or were made on behalf of the Board of Directors of the Seawoods.

3.3. On 7th February, 2025 the High Court directed that show-cause notice be issued to the appellant-

contemnor against initiating criminal contempt against her. *Vide* an affidavit submitted by Seawoods before the High Court, it was clarified that the Board of Directors had no knowledge of the contemptuous circular issued by appellant-contemnor, and its contents were never discussed, approved or accepted by any Board member.

3.4. Subsequently thereto, on 18th February, 2025 the appellant-contemnor filed a reply affidavit stating, *inter alia*, the reasons why contempt action must not be initiated against her. She accepted that a grave error was committed in the issuance of the contemptuous circular, which was done by her upon the mental pressure exerted by the residents. She further stated that in repentance, she had also resigned from the Board of Directors of Seawoods.

3.5. The High Court numbered the *suo motu* proceedings as Suo Motu Criminal Contempt Petition No. 2 of 2025, and directed to pronounce a separate order in that petition.

4. In the subject *suo motu* petition, the High Court held that the contemptuous circular issued by the appellant-contemnor satisfied the ingredients of criminal contempt under Section 2(c) of Contempt Act. By placing reliance on various precedents, the

High Court disposed of the *suo motu* petition holding that the act of issuing the circular by appellant-contemnor cannot be categorized as fair criticism as the same was issued with an intent to scandalize the Court. The High Court, therefore, sentenced the appellant-contemnor to undergo simple imprisonment for a period of one week with a fine of Rs. 2,000/-.

5. Aggrieved, the appellant-contemnor is before this Court.

ANALYSIS AND DISCUSSION:

6. We have given our thoughtful consideration to the submissions advanced on behalf of both the parties and have gone through the material placed on record.

7. The issue that arises for consideration is whether the challenge preferred by the appellant–contemnor to the judgment of the High Court is sustainable in law, and further, whether the High Court was justified in declining to accept her apology and consequently refusing to remit the sentence imposed.

7.1. In returning the finding of guilt *qua* the appellant-contemnor, the High Court gave the following reasons: -

i. that the act of publishing the contemptuous circular by the appellant-contemnor satisfied the ingredients of criminal contempt, inasmuch as it scandalized and lowered the authority of the Court.

ii. that the fact that the publication of contemptuous circular was made by the appellant-contemnor during the pendency of the writ petition[4] filed by Seawoods, it amounted to causing an interference with the due course of judicial proceedings and obstruction with the administration of justice.

iii. that it is totally unbelievable that appellant-contemnor while undertaking to write such contumacious writing, was not conscious or was unaware of the consequences of such writing.

iv. that the whole act of publishing the contemptuous circular was done with the intention to disrepute and tarnish the judicial system.

v. that the decisions of this Court in ***Rajendra Sail v. M.P. High Court Bar Association***,[5] and decisions relied upon therein, i.e. ***Roshan Lal Ahuja, In re***,[6] ***DC Saxena v. Hon'ble the Chief Justice of India***,[7] and ***Perspective***

[4] *Supra* note 2.
[5] (2005) 6 SCC 109.
[6] 1993 Supp (4) SCC 446.
[7] (1996) 5 SCC 216.

Publications (P) Ltd. v. State of Maharashtra,[8] has held that a communication imputing improper motives to the Court or its Judges cannot be regarded as fair criticism of the judiciary.

8. At the outset, while we are satisfied that the contemptuous circular does satisfy the essential ingredients of criminal contempt, we find ourselves unable to concur with the reasoning adopted by the High Court in invoking Section 12 of Contempt Act to impose punishment upon the appellant-contemnor. Admittedly, pursuant to the order dated 7th February, 2025, calling upon the appellant-contemnor to show cause as to why proceedings for criminal contempt be not initiated, she filed a reply-affidavit. In the said affidavit, the appellant-contemnor tendered an unconditional and unqualified apology, which stands duly recorded by the High Court.

8.1. However, the High Court declined to accept the apology, observing that, on a holistic reading, the affidavit did not reflect any genuine compunction for the acts complained of. It concluded that the apology was merely perfunctory, tendered for the sake of formality, and that the expression of

[8] AIR 1971 SC 221.

remorse appeared borrowed rather than borne out of sincere repentance.

8.2. Section 12 of Contempt Act provides for punishment for contempt of court. Relevant portion of the said provision reads as follows: -

> **"12. Punishment for contempt of court.**- *(1)* Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:
>
> Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Court.
>
> Explanation.- An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it *bona fide*.
>
> . . ."

8.3. Although Section 12 of the Contempt Act bears the marginal note "punishment for contempt of court", a holistic reading of the provision indicates that it contemplates not merely the imposition of punishment but also the power to remit the same. The *proviso* and the Explanation to Section 12 recognise that where the contemnor expresses genuine remorse and tenders an apology to the satisfaction of the Court, he may be discharged, or the sentence awarded may be remitted. Even after a finding of guilt and the imposition of punishment, the Court retains the discretion to exercise such power. The statutory scheme is thus

clear, once repentance is demonstrated, the Court may act with magnanimity. However, the apology must be *bona fide* and must satisfy the judicial conscience of the Court, which is required to exercise this discretion judiciously.

8.4. The Explanation to Section 12 further provides that an apology shall not be rejected merely because it is qualified or conditional, if offered *bona fide*. The scheme of Section 12(1) thus reflects a balance, i.e. while the majesty of law must be preserved against attempts to malign the institution and those discharging judicial functions, the provision also recognises human fallibility. It is for this reason that the *proviso* empowers the Court, upon being satisfied of genuine remorse, to accept the apology and discharge the contemnor or remit the punishment awarded.

9. The second ground on which the judgment of the High Court cannot be sustained is the erroneous reliance placed on the decisions referred to above. This Court has consistently held that the *ratio decidendi* of a judgment must be understood in the context of its facts and the issue decided therein. Only where the factual matrix is materially similar can the *ratio* in an earlier decision be applied. In this regard, reference may

be made to the decision of a three-Judge Bench of this Court in ***Royal Medical Trust v. Union of India***[9], the relevant extract of which is set out hereinbelow: -

> **"28. It is well settled in law that the ratio of a decision has to be understood regard being had to its context and factual exposition**. The ratiocination in an authority is basically founded on the interpretation of the statutory provision. **If it is based on a particular fact or the decision of the Court is guided by specific nature of the case, it will not amount to the ratio of the judgment**."
>
> (**emphasis supplied**)

9.1. Further, another three-Judge bench of this Court in ***Union of India v. Dhanwanti Devi***, (1996) 6 SCC 44, held that: -

> **"9.** . . . **It is not everything said by a Judge while giving judgment that constitutes a precedent. The only thing in a Judge's decision binding a party is the principle upon which the case is decided and for this reason it is important to analyse a decision and isolate from it the *ratio decidendi***. . .. A decision is only an authority for what it actually decides. **What is of the essence in a decision is its ratio and not every observation found therein nor what logically follows from the various observations made in the judgment. Every judgment must be read as applicable to the particular facts proved, or assumed to be proved, since the generality of the expressions which may be found there is not intended to be exposition of the whole law, but governed and qualified by the particular facts of the case in which such expressions are to be found. It would, therefore, be not profitable to extract a sentence here and there from the judgment and to build upon it because the essence of the decision is its ratio and not every observation**

[9] (2017) 16 SCC 605

> **found therein**. The enunciation of the reason or principle on which a question before a court has been decided is alone binding as a precedent. **The concrete decision alone is binding between the parties to it, but it is the abstract *ratio decidendi*, ascertained on a consideration of the judgment in relation to the subject-matter of the decision, which alone has the force of law and which, when it is clear what it was, is binding**. It is only the principle laid down in the judgment that is binding law under Article 141 of the Constitution. A deliberate judicial decision arrived at after hearing an argument on a question which arises in the case or is put in issue may constitute a precedent, no matter for what reason, and the precedent by long recognition may mature into rule of *stare decisis*. It is the rule deductible from the application of law to the facts and circumstances of the case which constitutes its *ratio decidendi.*"
>
> **(emphasis supplied)**

Therefore, it is a settled position that where a decision turns upon its own facts or is guided by the peculiarities of a particular case, it does not constitute the *ratio* of the judgment. In ***Dhanwanti Devi*** (*supra*), this Court cautioned that it is neither profitable nor permissible to rely upon isolated lines from a judgment, for the binding element lies in the *ratio decidendi* and not in every observation contained therein.

9.2. In the present case, the High Court placed reliance on the decisions referred to earlier and concluded that the appellant-contemnor's act of issuing the contemptuous circular could not be regarded as fair criticism, and that the statements therein were calculated to ascribe improper motives to the

Court and its Judges. Proceeding on this basis, the High Court sentenced the appellant-contemnor to simple imprisonment for a period of one week and imposed a fine of ₹2,000/-.

9.3. In our considered view, the reliance placed by the High Court on the decisions of this Court stands misplaced. The distinguishing features of those cases were not duly appreciated. In ***Dr. D.C. Saxena*** (*supra*) and ***Perspective Publications (P) Ltd.*** (*supra*), the contemnors had not offered any apology. In ***Roshan Lal Ahuja*** (*supra*), the apology initially tendered was later withdrawn. In ***Rajendra Sail*** (*supra*), though an unconditional apology was offered, this Court declined to accept it in view of the gravity of the allegations, which included imputations made in a public rally that a sitting Judge had been bribed and possessed assets disproportionate to income. The factual matrix of the present case is materially distinct, and therefore, the precedents relied upon could not have been applied as a basis to record the conviction or justify the sentence imposed upon the appellant-contemnor.

9.4. In the present case, the appellant-contemnor promptly entered appearance and filed her reply-affidavit pursuant to the show-cause notice issued by the High Court on 7th February, 2025. In the

said affidavit, she explained the circumstances leading to the issuance of the contemptuous circular and expressed unconditional remorse for her conduct, tendering an unqualified apology at the earliest opportunity.

9.5. While an act may amount to contempt, the *proviso* to Section 12 of the Contempt Act empowers the Court to discharge the contemnor or remit the punishment awarded. The only requirement for exercising such power is that the apology must be genuine and acceptable to the Court. The Explanation to Section 12 further clarifies that an apology shall not be rejected merely because it is qualified or conditional, if it is made *bona fide*. The statutory scheme, therefore, recognises that once a contemnor expresses sincere remorse, even if the apology is not unqualified in form, the Court is competent to accept it and, where necessary, discharge the contemnor or remit the sentence imposed.

9.6. Therefore, in our considered view, the High Court failed to exercise its contempt jurisdiction with due circumspection. Once the appellant-contemnor had, from the very first day of her appearance in the *suo motu* proceedings, expressed remorse and tendered an unconditional apology, the High Court was required to examine

whether such apology satisfied the statutory parameters under Section 12 of the Contempt Act. Thus, in our opinion, in the absence of any material suggesting that the apology was lacking in b*ona fides*, the High Court ought to have considered remitting the sentence in accordance with law.

10. In light of the foregoing discussion, we summarise our conclusions as under: -

i. The reliance placed by the High Court on the decisions of this Court in ***Dr. DC Saxena*** (*supra*), ***Perspective Publications (P) Ltd.*** (*supra*), ***Roshan Lal Ahuja, In re*** (*supra*), and ***Rajendra Sail*** (*supra*) is misplaced, as the material facts in those cases are clearly distinguishable from the facts of the present matter.

ii. Considering that the appellant-contemnor has, from the very outset, expressed genuine remorse and repentance for issuing the contemptuous circular, we are satisfied that the ends of justice would be met by remitting the sentence imposed by the High Court.

11. Accordingly, the impugned judgment dated 23rd April, 2025, passed by the High Court of Judicature at Bombay in Suo Motu Criminal

Contempt Petition No. 2 of 2025 is hereby set aside to the aforesaid extent.

12. Consequently, the appeal is allowed.

13. Pending application(s), if any, are disposed of.

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

NEW DELHI;
DECEMBER 10, 2025