

Contempt Case: Kerala High Court Lets Off Baiju Kottarakkara With Warning After Unconditional Apology

2022 LiveLaw (Ker) 605

IN THE HIGH COURT OF KERALA AT ERNAKULAM
A.K. JAYASANKARAN NAMBIAR; J., MOHAMMED NIAS C.P.; J.
CONT. CASE(CRL.).NO.1 OF 2022; 21 November 2022
SUO MOTU versus BAIJU KOTTARAKKARA

Contempt Case (Criminal) under Section 2(c) of the Contempt of Courts Act, 1971 read with Rule 7 of the Contempt of Court (High Court of Kerala) Rules

Respondent by Adv. B. Mohanlal, Adv. Abijith M., Adv. Karthik J Sekhar, Adv. Aswin v. Nair

J U D G M E N T

A.K. Jayasankaran Nambiar, J.

When the matter is taken up today, we find that through an additional affidavit filed in the Contempt of Court Case, the respondent has expressed unconditional apology for making the derogatory statements against a Judicial Officer in the State. In the affidavit, the respondent has stated as follows in paragraph Nos.6, 7 and 8:

“6. This Respondent never had an opinion about the competency of the Trial Court Judge. The statements alleged to have been made by this Respondent have no nexus with the personal interest, observation or opinion. This Respondent takes the responsibility for the statement made during the Debate if the same have resulted in raising doubt over the functioning of the Learned Judge and the Judicial System. This Respondent tenders unconditional apology for making statements in the above said Debate found to be derogatory against the Trial Court as well as the Court proceedings.

7. This Respondent already tendered unconditional apology to the Court as well as to the public through a special session in the “24 News” channel on 14/11/2022 by admitting the Guilt in making statements found to be derogatory as per the draft charges in the Contempt Case. The Compact Disk containing the visual of the above said special session in 24 News Channel dated 14/11/2022 is produced herewith and may be marked as Annexure-R1(c). Annexure R1(c) may be accepted as Additional Document for the due consideration of this Honorable Court in this Contempt Case.

8. This Respondent have utmost respect towards the judiciary and the proceedings of the Court, this Respondent never deliberately committed any contempt in deliberations or in delivery of any speech to scandalize or question the ability of the Judiciary and to cause prejudice against the impartial functioning of the Trial Court as well as the Court proceedings. This Respondent hereby undertakes that this Respondent will not make any derogatory statements against the Court through any media causing prejudice against the functioning of the Honorable Court to the General Public. This Respondent with utmost respect to the Court proceedings is hereby tendering unconditional apology before this Honorable Court for the inconvenience caused to this Hon'ble Court.”

Taking note of the said averments in the additional affidavit filed by the respondent before this Court, and having viewed the contents of the compact disc wherein the respondent has tendered an unconditional public apology for his actions, we deem it appropriate to take a lenient view in the matter and close this Contempt of Court Case, by accepting the aforesaid unconditional apology tendered by the respondent contemnor. We also accept and record his undertaking that he will exercise due care and caution in future, while making comments in relation to the judiciary on public platforms, keeping in mind that incorrect and irresponsible statements made in public have the propensity to undermine public faith and confidence in the judicial institution.

The Contempt of Court Case is closed.