

2023 SCC OnLine Bom 1609

In the High Court of Bombay at Goa  
(BEFORE M.S. SONAK AND BHARAT P. DESHPANDE, JJ.)

District Judge-1 and Asstt. Session Judge, Panaji

Thr. Edgar Fernandes ... Petitioner;

*Versus*

Vijay Dhargar and Another ... Respondents.

Criminal Contempt Petition (Main) No. 1/2022

Decided on August 7, 2023

Advocates who appeared in this case:

Mr. S.G. Bhobe, Public Prosecutor for the State.

Mr. Vijay Dhargar present in person.

P.C.

1. Heard Mr. Vijay Dargar, who is present in person and Mr. S. G. Bhobe, learned Public Prosecutor for the State.

2. Learned District Judge-1 and Assistant Sessions Judge, Panaji, by order dated 12.08.2022 made a reference under Section 15(2) of the Contempt of Courts Act, 1971 of this Court pointing out *inter alia* a letter dated 21.03.2022 addressed by Mt Dargar to the Managing Director, PEC Ltd., with copies marked to eleven persons/authorities.

3. In the letter, Mr. Dargar made some wild allegations, which he should not have made. This Court issued notice to Mr. Dargar, after being *prima facie* satisfied that the comments made by Mr. Dargar could have the tendency of obstructing the administration of justice.

4. In response, Mr. Dargar appeared before us and filed his reply. Mr. Dargar submitted before us that he had no intention of hurting or committing any contempt of courts and that the letter was a spontaneous outburst in the heat of the moment without realizing the implications. Mr. Dargar also offered an unconditional apology to the learned District Judge-1 and Assistant Sessions Judge, Panaji.

5. To enable Mr. Dargar to do so, we adjourned the proceedings suitably.

6. Mr. Dargar has today tendered before us an application dated 05.08.2023 duly supported by his affidavit, which he filed before the learned District Judge-1 and Assistant Sessions Judge, Panaji.

7. The application dated 05.08.2023 reads as follows:

*"BEFORE THE HON'BLE COURT OF ADD. SESSIONS, AT PANAJI, GOA.*

*S.P.C.C/10/2019*

GOVERNMENT OF INDIA THROUGH MINISTRY OF CORPORATE AFFAIRS; ... Complainant.

v.

Shri. VIJAY DARGAR, Chartered Accountants Age 51, Membership No. 076191. 58, Maharashtra Bhavan, Bora Masjid Street, 4<sup>th</sup> Floor, Near Handloom House, Fort, Mumbai-400001. ... Accused.

APPLICATION FOR UNCONDITIONAL APOLOGY IN THE CONTEMPT OF COURTS ACT, 1971 UNDER SECTION 15(2) OF THE CRIMINAL CONTEMPT PETITION (MAIN) 1 OF 2022:

MAY IT PLEASE YOUR HONOUR

The Accused Shri Vijay Dargar submits respectfully as under : -1. The Accused submits that he was the Chartered Accountants of M/s. Pisces Exim India Private Limited during the year 2012-2013 and submits that he expresses deep regret and wishes to offer an unconditional apology to the Presiding Officer of this Hon'ble Court Shri Edgar Fernandes the P.P. of the Complainant Shri R. Chodankar and my advocate Shri Shalom Sardinha for my absurd and foolhardy reaction which occurred without any application of mind and in the heat of that moment and in sheer depression that the withdrawal of the said Application by my said Advocate meant that I was condemned to Jail.

2. The Accused submits that his advocate also tried to seek pardon on his behalf before the Presiding Judge and tender a sincere Apology when the matter was listed for the stage of whether Contempt Proceedings should be initiated against him but the Presiding officer rightly initiated action against him.

3. The Accused submits that he does not have any grievances against any one and prays that the Presiding Officer accepts this unconditional Apology for saying such objectionable and distasteful words against the above named Presiding Officer, Advocate of the Complainant and his own advocate and that the entire thing had happened at the heat of that moment and because he did not understand what was happening and due to his little knowledge of Court Proceedings.

4. The Accused submits that though his behavior is not worthy of pardon by any aspect whatsoever given that his actions, words, behavior were totally contrary to the accepted norms of this Hon'ble Court of Law or any Court and while he cannot reverse the adverse effect and anguish that has been caused especially to the Presiding Officer, he pleads from the bottom of his heart that this Hon'ble Court and all the officers accepts his unconditional Apology for all the hassles that he has caused.

5. *In view of the above, the Accused humbly prays:*

- a. *Tat this Hon'ble Court be pleased to accept this Application for Unconditional Apology and pardon the Accused for his uncalled and totally distasteful reaction which has resulted in the filing of Contempt of Court proceedings in the Hon'ble High Court;*
- b. *Tat any other Order be passed by this Hon'ble Court, deemed fit and appropriate in the circumstances of the above case.*

*Place : Panaji*

*Date : 5/8/2023*

*sd/-*

*Vijay Dargar  
Accused"*

8. The above application was filed before the Learned District Judge-1 and Assistant Sessions Judge, Panaji on 05.08.2023. The Roznama records that the Learned District Judge-1 and Assistant Sessions Judge, Panaji very graciously accepted Mr. Dargar's apology.

9. Mr. Dargar has stated before us that he would within fifteen days from today write to the eleven persons/authorities to whom he had marked copies of his letter dated 21.02.2022, withdrawing the allegations made and explaining that such allegations were made in the heat of the moment without any intention to either hurt or malign any person including in particular any judicial authorities. We accept Mr. Dargar's statement as an undertaking to this Court.

10. Mr. Dargar must file copies of such letter along with proof of service before the Learned District Judge-1 and Assistant Sessions Judge, Panaji. Mr. Dargar says that this will be done within a month from today.

11. Mr. Dargar is a Chartered Accountant. He has appeared before us and has expressed his regrets. He has tendered his apology and prayed that these proceedings may be dropped. We have heard Mr. Dargar and we accept his apologies. Mr. Dargar has explained that he has the highest respect for the institution of judiciary and the comments made by him were in the heat of the moment without application of mind and realization of their implications.

12. Accordingly, we accept Mr. Dargar's apologies and close these proceedings. Notice issued to Mr. Dargar is now discharged.