

2025 LiveLaw (SC) 777

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

B.R. GAVAI; CJI., K. VINOD CHANDRAN; J., JOYMALYA BAGCHI; J.

July 23, 2025

MISCELLANEOUS APPLICATION NO. 1264 OF 2025 IN SPECIAL LEAVE PETITION (CRL.) NO. 6029 OF 2025
N. ESWARANATHAN versus STATE REPRESENTED BY THE DEPUTY SUPERINTENDENT OF POLICE

Contempt of Court - Conflicting orders by two judges - Forgiveness vs. Punishment - Role of Bar and Bench – Held, castigating lawyers over small mistake may affect their career - Order was passed by Supreme Court arising from conflicting orders passed by two Judges of this Court, this matter was placed before a three-judge bench by CJI - Supreme Court agreed with the views expressed by Justice Satish Chandra Sharma, stating that the majesty of law lies not in punishing but in forgiving a person who acknowledges their mistake - Bar and Bench are like two wheels of the Golden Chariot of Justice, working in tandem - Majesty of law lies not in punishing someone but forgiving them for their mistakes - Both advocates have rendered apology and both advocates have expressed their remorse with promise not to repeat this in future - Application dismissed. [Paras 8-13]

For Petitioner(s): Mr. Vikas Singh, Sr. Adv. Mr. Rahul Kaushi, Sr. Adv. Ms. Pragya Bhagel, Adv. Mr. Meenesh Dubey, Adv. Mr. Vikrant Yadav, Adv. Mr. Mukesh Kumar Singh, Adv. Ms. Maitri Goel, Adv. Mr. Ashish Kumar Upadhyay, Adv. Mr. V. Kandha Prabhu, Adv. Mr. P.V. Yogesh Waran, Adv. Mr. Narendra Kumar Goyal, Adv. Mr. K. Hans, Adv. Mr. Vikrant Yadav, Adv. Ms. Samta P. Mishra, Adv. Mr. P. Soma Sundaram, AOR

For Respondent(s): Mrs. Archana Pathak Dave, A.S.G. Mr. Mukesh Kumar Maroria, AOR Ms. Ankita Choudhary Rath, Adv. Ms. Harshita Choubey, Adv. Mr. Jagdish Chandra, Adv.

ORDER

1. This matter arises out of the conflicting orders passed the two learned Judges of this Court.
2. Hon'ble Mrs. Justice Bela M. Trivedi, (as her Ladyship then was), held that Mr. P. Soma Sundaram, Advocate-on-Record and Mr. S. Muthukrishnan, advocate, were guilty of contempt and had directed the name of Mr. P. Soma Sundaram to be removed from the Register of Advocate-on-Record for a period of one month from the date of the order dated 17.04.2025.
3. It was further directed that Mr. S. Muthukrishnan, advocate shall pay a cost of Rs.1,00,000/- from his own pocket, which is to be deposited by him with the Supreme Court Advocateson-Record Association (SCAORA), to be utilized for welfare of the advocates.
4. Hon'ble Mr. Justice Satish Chandra Sharma, while concurring with the findings recorded by Hon'ble Mrs. Justice Bela M. Trivedi, regarding the contempt committed by the advocates, accepted the apology tendered by both of them.
5. In view of difference of opinion between the two learned Judges, the matter has been directed by the then Hon'ble Chief Justice of India to be placed before a Bench consisting of three judges of this Court.
6. While accepting the apology of both advocates, Hon'ble Mr. Justice Satish Chandra Sharma made the following observations:

"I, however, feel that the punishment imposed upon Mr. P. Soma Sundaram, Advocate on Record and Mr. S.Muthukrishnan, Advocate, is too harsh. Undoubtedly, the very motto of

the Supreme Court is यतो धर्मस्ततो जयः (Yato Dharmastato Jayah) i.e., "Where there is Dharma - righteousness, there will be victory", but at the same time, we also cannot forget क्षमा धर्मस्य मूलम्: (Kshama Dharmasya Moolam) i.e., "Forgiveness is the root of Dharma". In fact in the epic Mahabharata, there is a significant passage regarding forgiveness which reads as under:

"क्षमा धर्मः क्षमा यज्ञः क्षमा वेदाः प्रतितष्ठि ता। क्षमया स वलोकः स्थिस् तं क्षमया स व प्रतितष्ठि तर्म ।।

Forgiveness is dharma: forgiveness is sacrifice: forgiveness upholds the Vedas. The world is held together by forgiveness everything rests on forgiveness."

7. We are in agreement with the views expressed by Hon'ble Justice Satish Chandra Sharma.

8. An age old adage states that the Majesty of law lies not in punishing someone, but in forgiving a person who acknowledges his mistake. This principle is applicable in the present case.

9. Not only that, but Hon'ble Mr. Justice Satish Chandra Sharma in his differing order has reproduced the entire apology tendered through an affidavit by the aforementioned advocates.

10. The learned Judge found the apology to be honest, genuine and coming from a penitent heart. He had also recorded that both the advocates had expressed their remorse with a promise not to repeat the misconduct in future.

11. As has been observed on the number of occasions, the Bar and Bench are like two wheels of the Golden Chariot of institution of justice, working in tandem for the expedition of justice.

12. We are of the considered view that for a small mistake, advocates should not be castigated, especially when such punishment may seriously affect their careers.

13. In light of the above, we are inclined to accept the view expressed by Hon'ble Mr. Justice Satish Chandra Sharma in his judgment.

14. The miscellaneous application is, accordingly, disposed of.