**E-CONTENT**

 **MJMC,  SEM-IV, PAPER-XIV (CC-402)**

**Topic : *Exceptions to Contempt of Court***

 **Date : 11-02-2020, TIME : 2.00 P.M.-3.00 P.M.**

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***Exceptions to Contempt of Court***

Making a statement without knowing that the case was pending with the court. Making a statement on a case that is not pending in the court, A Fair criticism on the judicial proceedings Distributing material without knowing that it contains a contempt for the court, A true report on the judicial proceedings Complaint against the presiding officers of subordinate courts to superior courts in good faith.

**Contempt Procedure**

When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the court may cause such person to he detained in custody, and, at any time before the rising of the court, on the same day, or as early as possible thereafter, shall –

(a) Cause him to be informed in writing of the contempt with which he is charged.

(b) Afford him an opportunity to make his defence to the charge,

(c) After taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge, and

(d) Make such order for the punishment or discharge of such person as may be just.

**Punishment for contempt of court**

Person alleged with contempt of court is informed, given opportunity for defense, punished or discharged. Every case of criminal contempt under section 15 shall be heard and determined by a bench of not less than two judges. However, a single judge can also deal with criminal contempts committed in facie curium; In re: court on its own motion.

No court shall initiate any proceedings if contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed. The court is guided by its own procedure to be followed in the facts and circumstances of each individual case and to see that the condemner is getting full opportunity to make his defence. 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.

**Apology**

The accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court. The court can, even when accepts the apology, commit an offender to prison or otherwise punish him.