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THE POWER TO FORGIVE: A COMMENTARY ON VINEETA SRINANDAN V. HIGH COURT OF JUDICATURE AT BOMBAY 2025 INSC 1408

AUTHORED BY - PRIYANKA NAIR

Research Scholar

Hidayatullah National Law University, Raipur.

I. Introduction

In *Vineeta Srinandan v. High Court of Judicature at Bombay on its Own Motion*¹, a two-judge Bench of the Supreme Court of India consisting of Justice Vikram Nath and Justice Sandeep Mehta on 10th December 2025 in their judgment set aside the sentence of imprisonment for five days awarded to Mr. Sai Vinayendra Kumar a Navi Mumbai resident for having been found guilty of Criminal Contempt for describing in a circular addressed to members of his housing society certain judges as protectors of dog mafia² allowing the contempt application in limine in terms of Rule 12 of the Contempt of Courts Act, 1952. In the background of the said circular being a mere result of a civil disagreement of the contesting parties within a residential club of its members pertaining to feeding of stray dogs the Judgment makes an extremely significant observation by holding that jurisdiction for contempt carries with it concomitantly the power of forgiveness. The author in this article identifies the background of the dispute in the facts of the case followed by detailed analysis of the judgments of the two courts below followed by an analysis of the judgment of Supreme Court and places the said judgment within the larger context of Supreme Court's case law on the matter of contempt and freedom of expression. While welcoming the Supreme Court's corrective intervention and the moderation of excessive sentence, the author argues that the grounds deployed by the Supreme Court to annul the sentence leaves completely untouched the critical threshold question of whether the alleged conduct of the contemnor could be said to amount to criminal contempt in the first place.

¹Vineeta Srinandan v. High Court of Judicature at Bombay on its Own Motion, 2025 INSC 1408, Criminal Appeal No. 2267 of 2025, decided 10 December 2025 (Vikram Nath and Sandeep Mehta, JJ).

² Ibid.

II. Facts

The appellant, Vineeta Srinandan, served as Cultural Director of the managing committee of a housing society in Navi Mumbai³. The underlying dispute concerned the feeding of stray dogs within the society premises, a matter that had already been the subject of an order of the Bombay High Court dated 21 January 2025⁴. Notwithstanding that order, the appellant circulated a communication to over a thousand residents in which she criticised dog feeders as belonging to a "dog mafia" and suggested, in terms directed at the judiciary, that such persons enjoyed a "strong presence in the judicial system"⁵. Regarding this as an affront to its authority, the High Court took suo motu cognisance of the circular, treating it as criminal contempt within the meaning of section 2(c) of the Contempt of Courts Act, 1971, which extends to any publication that scandalises or lowers the authority of a court⁶. A show-cause notice was issued, to which the appellant tendered an affidavit and, subsequently, a written apology.

III. The Bombay High Court's Judgment

By its judgment dated 23 April 2025, the High Court held that the circular was contemptuous, going further to find that its publication during the pendency of a related writ petition constituted an independent interference with the due course of justice⁷. The Bench found the appellant's apology to be tactical rather than sincere, observing that it appeared "borrowed rather than genuine"⁸. On this basis, the appellant was convicted under section 12 of the Act and sentenced to one week of simple imprisonment together with a fine⁹. The severity of the sentence, and its imposition on a first-time contemnor for what was, on its face, an intemperate remark made in a private residential dispute rather than a legal proceeding, attracted considerable attention. The Supreme Court granted an interim stay of arrest and of the sentence within days of the appellant's approach, signalling early disquiet with the High Court's

³HC Judgment, supra note 2, background facts; see also "Bombay High Court Sentences Woman for Contempt After Derogatory Remarks", Law Trend, 23 April 2025.

⁴HC Judgment, supra note 2, recording that the underlying dispute concerned the feeding of community dogs within the housing society and an earlier order of the High Court dated 21 January 2025.

⁵HC Judgment, supra note 2, extracting the circular addressed to residents of the society, in which the appellant referred to a "dog mafia" and asserted that such persons enjoyed a "strong presence in the judicial system".

⁶Contempt of Courts Act, 1971, s. 2(c) defines "criminal contempt" as, inter alia, any act which scandalises or tends to scandalise, or lowers or tends to lower, the authority of any court.

⁷HC Judgment, supra note 2, holding that the circular was contemptuous and amounted to interference with the administration of justice, particularly as it was published during the pendency of a related writ petition.

⁸Ibid., describing the appellant's apology as insincere and "borrowed rather than genuine"; see also "Contempt Power 'Not a Sword to Silence Critics'", LawChakra, 11 March 2026.

⁹HC Judgment, supra note 2, conviction under s. 12, Contempt of Courts Act, 1971; sentence of one week's simple imprisonment together with a fine.

approach even before the appeal was finally heard¹⁰.

IV. The Supreme Court's Judgment

The Supreme Court did not overturn the finding of contempt but dealt with the matter on the issue of remorse and the sentence of punishment. In dealing with the issue of contempt, Justice Vikram Nath observed that the power of a Court to punish for contempt carries with it a correlative power of forgiveness, if the contemnor shows true remorse. In dealing with the issue of contempt jurisdiction, the Supreme Court observed that this jurisdiction must never be treated as “a personal armour for Judges, nor a sword to silence criticism”. After reviewing the record, the Supreme Court found that the appellant had expressed remorse from the word go.¹¹ This was in contrast to the finding of the High Court that the apology tendered by her was insincere. *Rajendra Sail v. M.P. High Court Bar Association*¹², concerning the weight to be given to an apology tendered by a contemnor; *Roshan Lal Ahuja, In re*¹³; and *D.C. Saxena v. Hon'ble the Chief Justice of India*¹⁴, each addressing different facets of the Court's discretion once contempt has been established. On this basis, the Bench held that the ends of justice would be served by remitting the sentence, and accordingly set aside the High Court's judgment to that extent¹⁵, leaving the finding of contempt itself formally undisturbed but the punishment wholly withdrawn¹⁶.

V. Analysis: Forgiveness as a Substitute for Adjudication

The doctrinal significance of the judgment lies less in what it decided than in what it declined to decide. The appellant's principal grievance, both before the High Court and implicitly before the Supreme Court, was that her statement, however intemperate, was made in the context of a private housing-society dispute, directed at unnamed “judges” in the abstract rather than at any identifiable member of the Bombay High Court, and ought properly to be assessed against the constitutional guarantee of free expression under Article 19(1)(a) before any question of sentence arose. The Supreme Court's judgment does not engage with this threshold question.

¹⁰“Supreme Court Stays Bombay HC Order That Sentenced Woman For Contempt Over 'Dog Mafia' Comment Against Judges”, Bar and Bench, 2 May 2025, recording the interim order of Vikram Nath and K.V. Viswanathan, JJ. dated 1 May 2025 staying the arrest and the sentence and issuing notice.

¹¹Srinandan, supra note 1, para 1, describing contempt jurisdiction as not being “a personal armour for Judges, nor a sword to silence criticism”.

¹²Ibid., referring to *Rajendra Sail v. M.P. High Court Bar Association*, (2005) 6 SCC 109.

¹³Ibid., referring to *Roshan Lal Ahuja, In re*, 1993 Supp (4) SCC 446.

¹⁴Ibid., referring to *D.C. Saxena v. Hon'ble the Chief Justice of India*, (1996) 5 SCC 216.

¹⁵Srinandan, supra note 1, para 10(ii).

¹⁶Ibid., para 11, setting aside the High Court's judgment dated 23 April 2025 to the extent of the sentence imposed.

Instead, by resolving the appeal on the footing of remorse, it accepts, at least implicitly, the High Court's finding that the circular scandalised the court, and confines the exercise of the appellate jurisdiction to the question of sentence alone.

This is not a novel technique. Indian courts have, on a number of occasions, preferred to dispose of contempt appeals on the ground of an apology or expression of remorse rather than pronounce definitively on whether the impugned conduct crossed the threshold of contempt¹⁷. The approach has the evident virtue of tempering an unduly harsh outcome without the institutional friction of a superior court holding that a High Court erred in finding a scandalising publication contemptuous in the first place. But it comes at a cost. Justice Krishna Iyer's celebrated observation in *In re: S. Mulgaokar*,¹⁸ that the court should be as ready to forgive as it is slow to anger, and that a robust sense of humour is itself a safeguard against the misuse of contempt power was directed precisely at the question the Bench in *Srinandan* left unanswered: whether, on a fair reading, the remark was serious enough to warrant the contempt jurisdiction being invoked at all. The decisions in *In re: Arundhati Roy*¹⁹ and, more recently, *In re: Prashant Bhushan*²⁰ illustrate the difficulty of drawing that line, and both attracted sustained academic criticism for treating criticism of the judiciary as scandalising conduct with insufficient regard to the tolerance a mature institution ought to extend to public comment. *Srinandan* had the opportunity to clarify where housing-society correspondence directed at an unnamed and undifferentiated judiciary sits on that spectrum. It chose instead the narrower, safer route of remission through remorse.

There is a structural reason to regret this choice. Section 13 of the Contempt of Courts Act, 1971, as amended in 2006, requires a court to be satisfied that the contempt in question substantially interferes with the due course of justice, and permits truth as a defence where invoked in the public interest²¹. The High Court's judgment rested the finding of contempt on two distinct footings that the circular scandalised the judiciary in the abstract, and that its timing during the pendency of a writ petition interfered with a specific proceeding²². These are

¹⁷E.M. Sankaran Namboodiripad v. T. Narayanan Nambiar, (1970) 2 SCC 325.

¹⁸In re: S. Mulgaokar, (1978) 3 SCC 339, para 24 (Krishna Iyer, J.).

¹⁹In re: Arundhati Roy, (2002) 3 SCC 343.

²⁰In re: Prashant Bhushan, (2021) 1 SCC 745.

²¹Contempt of Courts Act, 1971, s. 13, as amended in 2006, requiring courts to be satisfied that the contempt substantially interferes with the due course of justice before punishing for scandalising the court, and permitting truth as a defence in the public interest.

²²HC Judgment, supra note 2, treating the timing of the circular during the pendency of the writ petition as an aggravating factor going to interference with judicial proceedings, distinct from the separate finding of

analytically separable questions, the first going to institutional dignity and the second to the administration of justice in a live matter, and a comment directed at either need not automatically satisfy the other. By affirming the conviction *sub silentio* and addressing only the sentence, the Supreme Court leaves both findings standing without disaggregating them, offering no fresh guidance to High Courts on how the section 13 threshold should be applied to comment made outside a courtroom, in a private forum, without reference to any particular judge or pending matter beyond incidental proximity in time.

VI. The Broader Contempt–Free Speech Balance

Viewed against this backdrop, *Srinandan* sits most comfortably not as a free-speech precedent but as a sentencing precedent, a reminder, addressed primarily to High Courts, that the coercive end of the contempt jurisdiction, imprisonment, should be reserved for cases where an apology is plainly insincere, and that a bench exercising *suo motu* jurisdiction should not treat a first offender's contrition as a mere afterthought to be weighed against a predetermined outcome. This is a modest but useful corrective to the pattern, visible in the High Court's own language rejecting "crocodile tears", of a certain scepticism toward apologies tendered by contemnors. Read narrowly, the judgment restores a degree of proportionality to contempt sentencing without disturbing the wider architecture of the scandalising-contempt jurisdiction that has attracted criticism for its subjectivity and its chilling potential.

The judgment can also be read for what it signals institutionally. The observation that contempt power must not become "a personal armour for Judges" echoes a broader theme in recent Indian public law of courts articulating limits on their own discretionary powers even while declining to strike down the exercise of those powers in the specific case before them, a pattern observable, in a different institutional setting, in the Court's treatment of the Election Commission's authority in the contemporaneous Bihar electoral-roll litigation²³. In both instances, the Court affirms the underlying power while layering rhetorical constraints upon it, leaving the task of enforcing those constraints to future benches confronted with less sympathetic facts.

scandalisation.

²³See generally, Anmol Jain, "Power Without Oversight", VerfBlog, 3 June 2026, on the institutional dimension of judicial deference in a different but structurally comparable context.

VII. Conclusion

Vineeta Srinandan is, on its facts, an easy case decided the right way: a one-week custodial sentence for an intemperate remark made in a housing-society circular, by a first-time contemnor who expressed remorse from the outset²⁴, was manifestly disproportionate, and the Supreme Court was right to set it aside. The judgment's more lasting value, however, will depend on how High Courts read it. If treated as authority for the proposition that genuine remorse warrants remission of sentence even where a finding of contempt is not itself disturbed, it will improve the humaneness of contempt sentencing at the margins. If mistaken for a considered ruling on when private, non-specific criticism of the judiciary crosses the line into scandalising contempt, it will mislead, since the Bench did not engage that question at all. The most accurate description of the case is that the Supreme Court chose mercy over method: it forgave the contemnor without fully explaining, for the benefit of the next litigant in her position, why the High Court was entitled to convict her in the first place.

²⁴Srinandan, supra note 1, para 10(i), recording that the appellant had, from the outset, expressed remorse.