

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8039 of 2023

Applicant :- Bharat Lal Masih

Opposite Party :- Shri Anuj Kumar Jha, District Magistrate And 5 Others

Counsel for Applicant :- Mohd. Kalim, Mary Puncha (Sheeb Jose)

Hon'ble Rohit Ranjan Agarwal, J.

Heard learned counsel for the applicant.

The writ Court on 15.03.2021 in Public Interest Litigation (PIL) No.57 of 2019 had passed the following order:-

"Petitioners by way of present petition seek the following reliefs:

"(I) Issue a writ order or direction in the nature of mandamus commanding the State respondents not to interfere in religious prayers and ritual ceremonies by the persons assembling at the petitioners society".

On 17.1.2019 while issuing notice to the respondents, interim protection in the following terms was granted to the petitioners:-

"The Superintendent of Police, Jaunpur shall ensure that no interference be made in the prayers of the Christian community at the places of worship".

Though, no response has been filed by the respondents-State, however, there is no further complaint that the prayer practice carried out by the Christian community at the places of worship has been interfered with.

In view whereof and instead of waiting for counter affidavit from the respondents-State, we dispose of this petition with the direction to the Superintendent of Police, Jaunpur to ensure that no interference is made in the prayer of Christian community at the places of worship.

The interim order dated 17.1.2019 is made absolute.

The petition stands disposed of finally in the above terms."

From the perusal of the aforesaid order, it is clear that the writ Court had directed that the Superintendent of Police, Jaunpur shall ensure that no interference is made in the prayer of the Christian community at the places of worship.

The present contempt application has been preferred for punishing

the opposite parties on the ground that the son of the present applicant, who was the petitioner no.3 in the writ petition, was taken away by the police authorities on 23.09.2023 while he was praying and first information report was lodged against him under Section 4/25 of Arms Act.

It is contended that the son of the applicant was released on bail on the next date.

This Court finds that as the first information report was lodged against the son of the applicant, police authorities have done its duty by arresting the accused.

In view of the said fact, as the matter is subjudice before the Court below, no case for contempt is made out.

Present contempt is misconceived and the same stands dismissed.

Order Date :- 3.11.2023

SK Goswami