

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7944 of 2022

Applicant :- Kaushal Pandey

Opposite Party :- Ms. Shivani Rawat, Ld. Additiona Chief Judicial Magistrate First

Counsel for Applicant :- Amar Bahadur Singh

Counsel for Opposite Party :- Rahul Agarwal

Hon'ble Rohit Ranjan Agarwal,J.

Heard Sri Amar Bhadur Singh, learned counsel for the applicant and Sri Sudhir Mehrotra, learned counsel appearing for Allahabad High Court.

This contempt application under Section 12 of Contempt of Court Act has been filed for punishing the opposite party for violating the interim order dated 25.02.2022 granted in Application under Section 482 No. 21106 of 2021.

Learned counsel appearing for opposite party submits that the complainant in the matter had earlier in the year 2019 filed an Application under Section 482 No. 1604 of 2019 wherein a direction was issued by this Court on 17.01.2019 directing for expeditious disposal of the matter.

The applicant before this Court had challenged the proceedings before this Court through Application under Section 482 No. 21106 of 2021 in which an interim order was passed on 25.02.2022 directing that no coercive action shall be taken against applicant. The interim order was for till the next date of listing. Thereafter, on 08.04.2022, the interim order was extended till the next date of listing and matter was listed for the month of July, 2022. Thereafter, the interim order was not extended and opposite party on 17.08.2022 proceeded with the matter giving a complete detail of the earlier directions of this Court dated 17.01.2019 and there being no interim order operating in the matter.

I have heard learned counsel for the parties and perused the material on record.

I find that there is no disclosure in the contempt application and affidavit filed in support thereof as to the filing of the earlier Application under Section 482 No. 1604 of 2019 by the

complainant and the directions issued on 17.01.2019. Moreover, the applicant had annexed the order-sheet dated 17.08.2022 of the court below wherein the details of the earlier round of proceedings have been brought on record in the said order.

When the Court interacted the said fact with counsel appearing for the applicant, he accepted that it was his mistake in not disclosing the said fact in the contempt application and not of his client. He further accepted that he was aware of the order passed earlier by this Court on 17.01.2019.

This Court finds that counsel for applicant, Sri Amar Bahadur Singh has not acted in a fair manner and has concealed the material fact from this Court.

However, this Court on the apology tendered by counsel for the applicant is not referring the matter to Bar Council for taking disciplinary action against the said counsel.

Considering the facts and circumstances of the case, this Court finds that as there is order passed by this Court for expediting the Complaint Case No. 1540 of 2017 pending before opposite party and there was no interim order operating when the order dated 17.08.2022 was passed, no case for contempt is made out.

The contempt application is misconceived and stands dismissed.

Order Date :- 21.11.2023

V.S.Singh