

Court No. - 10

Case :- CONTEMPT APPLICATION (CRIMINAL) No. - 8 of 2022

Applicant :- State of U.P.

Opposite Party :- Suresh Kumar Tanwar And Another

Counsel for Applicant :- G.A., Shivendra S Singh Rathore

Counsel for Opposite Party :- Abhishek Srivastava, Abhishek Tiwari, Atmad Hasan Idrisi, Purnendu Chakravarty, Satya Prakash Mishra, Shivendra S Singh Rathore

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Ajai Kumar Srivastava-I, J.

1. In pursuance of our earlier order, the Registry has sent the original record of Application under Section 482 Cr.P.C. No. 4496 of 2022, 'Suresh Kumar Tanwar and Another Vs. State of U.P. and Another'.
2. Learned counsel for the petitioner has pointed out from the application filed under Section 482 of the Cr.P.C. that it was supported by an affidavit of Balbir Singh Pundir. He has submitted that an Application I.A. No. 08 of 2022 was also moved in the matter praying for a direction to the Bank to open the account of the company and the applicant, for which the applicant shall deposit the settle amount as directed by this Court.
3. This application stated in paragraph-05, the account of Shiv Ganga Associates as 023905601697, which was incorrect, it should have been typed as 023905501697, the Saving Bank Account Number of Suresh Kumar Tanwar has also been wrongly typed as 02390153632, it should have been typed as 023901536321.
4. Learned counsel for the petitioner has pointed out annexure-01 to the said application, which is a letter sent by the contemnor no.1, Suresh Kumar Tanwar to the Bank Manager, ICICI Bank, Ranipur Mor, Haridwar, Uttarakhand dated 15.09.2022, wherein the correct account numbers of Shiv Ganga Associates and Saving Bank Account of Suresh Kumar Tanwar have been stated and it has been prayed that reason be shown as to why, the said accounts have been frozen and he has been prevented from operating them.
5. Similarly, in Application under Section 482 Cr.P.C. No.

2977 of 2022, I.A No. 03 of 2022 which was filed mentioning the difficulties faced by the applicant due to non-compliance of interim order passed by the Court directing the Bank for De-freezing the account of the applicant firm. Although, the account numbers were not mentioned in the affidavit filed in support of the said application, the affidavit contains annexures. The annexure no.-01 is at running page no. 7 is a letter dated 08.09.2022 sent by Suresh Kumar Tanwar to the Bank Manager of Ranipur Mor, Haridwar, Uttarakhand, wherein the correct Bank Account Number of Shiv Ganga Associates has been written as 023905501697. The correct number of Suresh Kumar Tanwar has been mentioned as 023901536321.

6. This Court has perused the copies of letters sent by Suresh Kumar Tanwar to the Bank Manager, of ICICI Bank, Ranipur Mor, Haridwar, Uttarakhand finds that only because of a typographical error and wrong mentioning of Account Numbers, the entire proceedings were drawn up against the contemnor no. 1.

7. This Court is satisfied that the contemnor no. 1 did not deliberately mislead the Court into passing an interim order in the aforesaid Applications under Section 482 Cr.P.C. The order by which the two Applications under Section 482 Cr.P.C. have been dismissed, while sending the matter to this Court by taking cognizance of alleged Criminal Contempt and attempt by the contemnors to lower the dignity of the Court is ***recalled*** only to the extent of initiation of contempt proceedings against the contemnor no. 1.

8. The notices issued are **discharged**.

9. Accordingly, the Criminal Contempt stands ***disposed of***.

Order Date :- 16.10.2023

Darpan Sharma