

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4299 of 2023

Applicant :- Mohammad Jahir Khan And Another

Opposite Party :- Shri Deewan Aslam Khan, Chauki Incharge, Ps. Jarwal Road, Bahraich

Counsel for Applicant :- Sajjad Husain

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Sajjad Husain, learned counsel for the petitioners.
2. By means of present contempt petition, learned counsel for the petitioners has tried to demonstrate that despite the interim order having been granted by the Division Bench of this Court protecting the liberty of the petitioners, the sole opposite party, namely, Shri Deewan Aslam Khan, Chauki Incharge, Police Station Jarwal Road, Tehsil Kaisarganj, District Bahraich, has called the petitioners to Police Chauki and detained them for two days, however, after two days both the petitioners have been released.
3. He has further submitted that the specific complaint to this effect has been lodged before the superior authorities making request for any appropriate action to be taken against the sole opposite party. Learned counsel for the petitioners has further submitted that so as to ascertain the aforesaid allegation of the petitioners, the direction may be issued to the sole opposite party to provide the Video Clips of two days when the petitioners were illegally kept in the police Chauki. He has also placed reliance on the judgment of this Court dated 17.02.2017 passed in Criminal (Capital) Appeal No. 5298 of 2015 (Vinod and Another Vs. State of U.P.) with three more connected cases, wherein the guidelines have been issued by this Court in Para 192, which guidelines are basically relating to the manner of investigation which should be abided by the Investigating Officer concerned. He has also submitted that the aforesaid guidelines have also been flouted by the Investigating Officer. This is an admitted fact that the CrI. Misc. Writ Petition No. 7083 of 2023, wherein the petitioners have got an interim order, is still pending consideration and the interim order is in operation and the Court has fixed the next date for 19.01.2024.
4. Be that as it may, since the Writ Court has granted interim order till the next date of listing and that writ petition is pending consideration wherein the next date has been fixed for 19.01.2024, therefore, if there is any requirement to verify as to

whether the present petitioners have been illegally detained for two days, by summoning the CCTV footage from the police station concerned for those two days, this may be very well be done by the Division Bench wherein the petition is pending. However, the petitioners have, admittedly, not been arrested after the interim order having been passed by the Writ Court and the Contempt Court may not examine the fact as to why the petitioners were called in the police station because that summoning may likely to be related for the investigation purposes or for any other purposes under the law, therefore, such aspect too may not be tested by the Contempt Court. If the Division Bench, wherein the writ petition is pending, finds that the summoning of the petitioners to the police Chauki was under the teeth of the interim order or if the purpose of summoning to the petitioners was absolutely unwarranted, the appropriate direction may be issued by the Division Bench.

5. Accordingly, the present contempt petition is ***dismissed***.

[Rajesh Singh Chauhan,J.]

Order Date :- 7.12.2023

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