

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Cont.App.(C)No.1 of 2024

S. Dhiren Singh & 2 Ors.

Applicants

Vs.

Akoijam Sanatomba Singh & 4 ors.

Respondents

With

MC(Cont.App(C))No.1 of 2024

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

(ORDER)

(K. SOMASHEKAR, C.J.)

30.07.2025

[1] Learned counsel for the appellant, Mr. L. Raju is present before the court physically.

[2] This appeal has been initiated against the order dated 15.09.2023 in respect of the Contempt Case No.36 of 2023. However, the aforesaid the contempt case is pending.

[3] However, in this contempt appeal challenging the order rendered in the Contempt Case No.36 of 2023 dated 15.09.2023 and wherein in that proceeding of contempt case and whereby directing the contemnors to appear before this Court on the aforesaid date i.e. dated 16.10.2023 and the said order has been challenged in this contempt appeal proceeding.

[4] Whereas, in this matter the learned counsel for the respondents, Mr. Juno Rahman who is also present before the court

physically and wherein the said counsel submitting that even though the contempt appeal has been initiated keeping in view the provisions of the Contempt of Courts Act, 1971 relating to the challenging of the order dated 15.09.2023 rendered in the contempt case No.36 of 2023 but the contemnors had already appeared before this court on 16.10.2023. This is the status which is submitted by the learned counsel for the respondents in this matter.

[5] Whereas, the provision of section 19 of the Contempt of Courts Act, 1971, it reveals as appeals- an appeal shall lie as of right from any order or decision of High Court in the exercise of its jurisdiction to punish for contempt. However, keeping in view of the aforesaid provisions of the Contempt of Courts Act, 1971 relating to the scope of appeals are concerned, it is deemed appropriate to refer that an appeal is maintainable only against an order or decision of High Court passed in exercise of its jurisdiction to punish for contempt. The same has been addressed in the case of *Midnapore Peoples' Co-op. Bank Ltd. V. Chunilal Nanda*, AIR 2006 SC 2190. The issue has been addressed by the Hon'ble Supreme Court of India relating to the scope of section 19 of the Contempt of Courts Act, 1971. Whereas, in another judgement in the case of Subhash Chandra V. B.R Kakkar, (1992) 2 Punj LR 46(P&H), it states that when the High Court acquits the contemnor, no appeal lies; another judgement of 1985 Cr Lj 1030 in the case of *Hans Raj v. State of Himachal Pradesh*, which states that, an appeal does not automatically operate as a stay of the order appealed against; and one more judgment of *S.P Wahi V. Surendra Singh* reported in 1983 Cr Lj 1426 which

states that it is not each and every order passed during the contempt proceedings that is appealable.

[6] However, in this contempt appeal proceeding, the order dated 15.09.2023 which was rendered in the contempt Case No.36 of 2023 and whereby in that order directing the contemnors to be present before the court physically but when the contemnors had already appeared before this court, this contempt appeal does not survive for consideration. Accordingly, this Cont.App.(c) No. 1 of 2024 is hereby disposed of.

[7] Consequent upon the disposal of the Cont.App.(C)No.1 of 2024 by referring the aforesaid judgements, the proceeding in MC(Cont.App.)No.1 of 2024 whereby seeking for stay is also disposed of accordingly.

JUDGE

CHIEF JUSTICE

John Kom