

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.678 of 2012

IN

Miscellaneous Jurisdiction Case No. 4510 of 2011

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Suchitra Sharma, wife of Sri Raj Kumar Maharaj, Additional Director General,
Directorate of Revenue Intelligence Zonal Unit Lucknow.

.... Appellant/s

Versus

1. Jhantu Das son of Sailen Das resident of North Bengal Medical College and Hospital Campus Shusruta Nagar, P.S. Matigara, District Darjeeling (West Bengal)
2. Mr. Ajay Dixit, Father's name not known, the Commissioner Customs, Central Revenue Building, Birchand Patel Path, Patna
3. Mr. Vidyut Vikash , father's name not known, the Deputy Director, D.R.I., PNB Campus, Khajpura, Patna
4. Mr. Hargovind Lasker, father's name not known, the Senior Intelligence Officer, Directorate of Revenue Intelligence, PNB Campus, Khajpura, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mrs. Archana Meenakshee, Advocate
Mr. Kumar Pankaj, Advocate

For the Respondents 2 to 4 : Mr. Sanjay Kumar, ASG

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 03-07-2015

Heard learned counsel for the appellant as also learned
ASG, Sri Sanjay Kumar for official Respondent nos. 2 to 4. None
appears for Respondent no.1 in spite of repeated attempt to serve such
notice on him, he has not been served.

2. This Misc. Appeal is filed against the order dated
06.09.2012 passed by learned Single Judge of this Court in MJC No.
4510 of 2011 whereunder appellant has been convicted for the charges
of contempt and sentenced to undergo simple imprisonment for three



months as also to pay fine of Rs. 2,000/- for her failure to obey order dated 12.08.2011 passed in CWJC No. 9644 of 2011 directing her to complete the investigation as expeditiously as possible and to abide by the interim order passed in LPA No. 928 of 2011 arising out of order dated 19.05.2011 passed in CWJC No. 3683 quashing the seizure of betel nuts under Section 110 of the Customs Act. Learned Single Judge under order dated 06.09.2012 proceeded to convict the appellant herein during the pendency of the aforesaid LPA, which was disposed of under order dated 06.11.2012 holding that the seizure stands merged with the final order of confiscation and in that view of the matter the very basis for holding the appellant guilty for contempt has disappeared.

3. In the circumstances, the appeal has to be allowed and the impugned order holding the appellant guilty of contempt is set aside.

(V.N. Sinha, J.)

(Nilu Agrawal, J.)

Arjun/-

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