

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2100 of 2015

IN

Cr.Misc. 44753 of 2015

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The District Manager, Bihar State Food & Civil Supplies Corporation Limited

.... Appellant/s

Versus

Kamlesh Yadav & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anjani Kumar, Sr. Advocate
With Shailendra Kumar Singh

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

Date: 26-11-2015

This appeal under Clause 10 of the Letters Patent of this High Court has been filed against order, dated 10.11.2015, passed in Cr. Misc. No. 44753 of 2015 by a learned single Judge, whereby the learned single Judge has found the conduct of the appellant to be contemptuous, inasmuch as non-compliance of an order passed in Cr. Misc. No. 44753 of 2015 by him has been found to be willful and deliberate. He has, accordingly, been directed to be present in Court to explain as to why he should not be punished for his conduct.

2. From the order under appeal, it appears that the matter was adjourned, requiring the appellants to inform the Court as to in



which godown the C.M.R. rice had to be supplied by the petitioner of the said case (respondent No.1 herein) as per the original agreement. Instead of furnishing the said information, the appellant informed the Court that the time having been elapsed for supply of C.M.R., in view of the Central Government/State Government directions, the C.M.R. could not be accepted. This conduct of the appellant has been treated to be deliberate disobedience of this Court's order.

3. In our opinion, however, this Letters Patent Appeal against an order passed in a criminal proceeding of this Court before a learned single Judge is not maintainable.

4. Learned Senior Counsel appearing on behalf of the appellant submits that under the direction of the Central Government/State Government and as per the agreement, it is difficult for the appellant to allow the said C.M.R. to be deposited. He submits that the conduct of the appellant cannot be said to be willful and deliberate disobedience of this Court's order.

5. Since we are of the view that the appeal itself is not maintainable, we cannot express any definite opinion over such contentions.

6. With this observation, this appeal is permitted to be

withdrawn.

7. Needless to say that it will be open to the appellant to bring this fact before learned single Judge, if so advised.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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