

Party Name : COURT ON ITS OWN MOTION Vs SR. B.N.DEBBARMA, DIG OF POLICE

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA THE HONBLE MR. JUSTICE S.C.DAS

The facts leading to initiation of these contempt proceedings are that this Court had disposed of W.P(C) No. 155 of 2013 filed by the petitioner, Sri L. Sundarajan by holding that the petitioner had alternative remedy of approaching the appellate authority.

It was directed that if the appeal is filed within 30(thirty) days of the passing of the order, the appellate authority shall treat the same to be within limitation. Thereafter the petitioner filed the appeal within 30(thirty) days. The appeal was dismissed on various grounds but one of the grounds on which the appeal was dismissed was that the appeal not been having filed within a period of limitation could not be entertained and the same was liable to be dismissed as being delayed.

The petitioner thus filed W.P(c) No. 31 of 2014 challenging the appellate order on various grounds. We had allowed the said petition and had held as follows:

"4. As far as ground (v) is concerned that amounts to contempt of Court. When this Court had directed that in case the appeal is filed within 30 days of the passing of the order it shall be treated to be within limitation. We fail to understand how the appellate authority could have held such that the appeal is not within the limitation. This prima facie amounts to willful disobedience of the orders of this Court. Therefore, the Registry is directed to issue show cause notice to Sri B.N. Debbarma, Deputy IG of Police, AP(Adm & Trg), Tripura, Agartala to show cause why contempt proceedings be not initiated against him."

Notice was issued to Sri B N. Debbarma, Deputy I. G of Police, AP(Adm & Trg.), Tripura who is also present in person in Court and has now filed his reply. He has candidly admitted in his reply that he has made a mistake. He has expressed his apology for the same and has stated that he is at the fag-end of his career nearing superannuation and therefore, no action be taken against him.

Keeping in view the fact that the contemnor has not raised any defence and also keeping in view the fact that he has tendered an unqualified apology to the Court, we take a lenient view of the matter and accept the apology but direct the contemnor to be careful in future. The contempt notice is accordingly discharged.