

HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case (Criminal) No.1 of 2009

Special Judge (Atrocities), Raipur

---- Applicant

Versus

1. Umang Goel, S/o Shri Rajeshwar Sharan Goel, aged 42 years, Occupation Business, R/o B-34, Tagore Nagar, Tikrapara, Raipur, Police Station Tikrapara, Tahsil and District Raipur (C.G.)
2. Anwar Dhebar, S/o Shri Zikarbhai Dhebar, aged 42 years, Occupation Business, R/o Baijnathpara, Police Station City Kotwali, Raipur, Tahsil and Distt. Raipur (C.G.)

---- Non-applicants

For Applicant: Mr. Satish Gupta, Government Advocate.
For Non-applicants: Mr. Rajeev Shrivastava, Advocate.

Hon'ble Shri Justice T. P. Sharma and
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board

07/04/2015

T.P. Sharma, J: -

1. This is reference for initiation of criminal contempt against the contemnors for committing contempt of Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Raipur, relating to discharge of its judicial function.
2. As per the reference and documents annexed, the non-applicants – brothers of two accused persons of S.T.No.329/2005 have released a CD relating to talk of son of the Presiding Officer of the Court of Special Judge, under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Raipur, with some other persons showing some unwarranted attitude of the Presiding Officer. The matter has been published in different newspapers. On the basis of aforesaid CD, alleged news published in the newspapers are related to the conduct of the President Officer. After issuance of show cause notice, reference has been made by the Presiding Officer of

the Court.

3. The non-applicants have filed their counter and have tendered unqualified apology, though they have admitted the publication of news and also pleaded that without any enquiry whether son of the Presiding Officer has disclosed the facts published in the news papers and recorded in the CD. Real truth has not come out.
4. We have heard learned counsel for the parties.
5. At the outset, counsel for both the parties submit that the Presiding Officer of the Court has died.
6. Considering the disputed news and alleged disputed statement of son of the Presiding Officer, especially the unqualified apology tendered by the contemnors, it would be appropriate to drop the proceeding. Consequently, the contempt proceeding is dropped in terms of proviso to sub-section (1) of Section 12 of the Contempt of Courts Act, 1971, and the contemnors are discharged.

Sd/-
T.P. Sharma
Judge

Sd/-
Inder Singh Uboweja
Judge