

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE No.2113 of 2013

Date:20.02.2015

Between:

Sri Sai Ram Rajakula Sangham,
Vepagunta Village, Pendurthi Mandal,
Visakhapatnam District repled by its President-
Nandavarapu Ramu

..... Petitioner

And:

J.Venkata Murali,
Revenue Divisional Officer,
Visakhapatnam and another.

...Respondent

Counsel for the Petitioner: Sri V.Surya KiranKumar

Counsel for the Respondents: Advocate General (AP)

The Court made the following:

ORDER:

This Contempt Case is filed alleging willful disobedience of order, dated 22.11.2013, in Writ Petition No.33474 of 2013.

Having regard to the serious nature of the allegations made in the Contempt Case, this Court has directed the Principal District Judge, Visakhapatnam to record evidence. Accordingly, evidence has been recorded by the Principal District Judge, Visakhapatnam and the same was forwarded to this Court. The necessity to consider this evidence is obviated in the

light of the admissions made by the respondents/contemnors in their separate affidavits, sworn to on 20.02.2015, wherein they have tacitly accepted the allegations and sought to justify the same in the name of protection of property of the State. The contemnors have also tendered unconditional apologies and assured this Court that henceforth they will implement the orders of this Court in letter and spirit. Though this Court is thoroughly dissatisfied with the conduct of the contemnors, in deference to the request of learned Advocate General (Andhra Pradesh) to take a lenient view, I am inclined to accept the unconditional apologies tendered by the contemnors with the hope that better sense will dawn on them and they will not repeat the conduct which they have displayed in this case, in future.

Sri P.Surya Kiran Kumar, learned counsel for the petitioner, submitted that P.Ws.1 to 3, who have filed their chief-examination affidavits before the Principal District Judge, Visakhapatnam, have retracted in the cross-examination and sought to throw the blame on the counsel by alleging that their chief-affidavits were drafted by the counsel without their knowledge and instructions. The conduct of P.Ws.1 to 3 appears to be blameworthy as, they have turned hostile, obviously being prevailed over by the contemnors. However, as the contemnors themselves are let off, I do not propose to direct initiation of prosecution against the said witnesses for perjury.

Learned counsel for the petitioner is, however, given liberty to initiate prosecution against P.Ws.1 to 3 for allegedly making false statements and closure of this Contempt Case shall not be construed as this Court having exonerated P.Ws.1 to 3.

Subject to the liberty given to learned counsel for the petitioner as above, the Contempt Case is closed and the contemnors are discharged form the contempt proceedings.

*JUSTICE C.V.NAGARJUNA
REDDY*

*20th February, 2015
DR*