

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

COCp No.2220 of 2015

Date of Decision :31.8.2015

Adishwar Jain

....Petitioner

Versus

Amit Kumar Grover and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present: Mr. Sandeep Wadhawan, Advocate
for the petitioner.

.....

MAHESH GROVER.J.

The petitioner alleges contempt of the order of this Court dated 22.1.2014 where while issuing notice of motion this court had granted liberty to the petitioner to appear before the learned trial court through his counsel. The petitioner appeared before the trial court through his counsel, upon which the learned trial court recalled the non-bailable warrants, which had been issued on a prior occasion keeping in view the mandate of the order of this court granting permission to the petitioner to appear through counsel. On the next date of hearing, i.e. 25.3.2014 neither the petitioner appeared nor did his counsel. Consequently, the trial court issued non-bailable warrant and initiated proclamation proceedings under Section 82 Cr.P.C.

Learned counsel for the petitioner contends that this amounts to contempt, as the order of this court has been violated.

In my view, the instant petition is totally misconceived, as the petitioner was granted liberty to be represented through counsel and it was thus obligatory upon him to continue appearance through counsel which he did not do. The petitioner is facing a complaint and his presence was thus required either through a counsel or himself. The court, therefore, cannot be faulted in the event of a default committed by the petitioner.

No ground to interfere.

Dismissed.

31.8.2015
dss

(MAHESH GROVER)
JUDGE