

IN THE HIGH COURT OF JUDICATURE AT PATNA
Or. Criminal Miscellaneous (DB) No.3 of 2015

=====

Divisional Commissioner, Magadh Division, Gaya

.... Petitioner

Versus

Sri Mukesh Kumar (Advocate), son of Late Mahesh Prasad Singh, resident of Mohalla – 263, Chanakyapuri Colony, P.S. Rampur, District – Gaya.

.... Respondent

=====

Appearance :

For the Petitioner : Mr. Vinay Kirti Singh, GA-2

For the Opp. Party : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Manish Kumar, No. 2, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

18. 16-11-2016

Heard Sri Vinay Kirti Singh, Government

Advocate No.2 and Sri Yogesh Chandra Verma, learned
Senior Counsel.

Having perused the records, we find that an incident took place on 22.08.2013, before the Divisional Commissioner, Magadh Range, Gaya, while he was holding court as an Appellate Authority in Service Appeal No. 45/2013. The conducting lawyer for the appellant insisted upon the Divisional Commissioner that the matter be heard and not adjourn. This led to an untoward exchange of words alleging that the conduct of the said lawyer amounted to criminal contempt. The Divisional



Commissioner took consent of the Advocate General, Bihar, on 14.02.2014, and then filed this application before this Court on or about 12.03.2015, for initiating criminal contempt proceeding against the said Advocate. Notice was issued to said Advocate by this Court. He has filed a show cause. He denies that he passed any disparaging or contemptuous statements before the Divisional Commissioner. He pointed out that immediately when he insisted that the matter be taken up on merit and heard, he was threatened and abused by the Divisional Commissioner, who asked his bodyguard to throw out the Advocate from the Court. This happened in presence of several Advocates, and for this misbehaviour and misdemeanour, he immediately went to Chief Judicial Magistrate, Gaya and filed written complaint on that very day. He has annexed the order-sheet of the said case to show that he took immediate action in the matter. He then alleges that upon coming to know of this criminal complaint filed against, *inter alia*, Divisional Commissioner on the next day, the Government Pleader writes to the Divisional Commissioner informing of the alleged contemptuous behaviour of the Advocate on the

- 3 -

date previous, and making that as a basis, the letter of the Government Pleader to the Divisional Commissioner, the Divisional Commissioner took upon himself to pray for initiating and punishing the Advocate for criminal contempt.

Having perused the records and heard the parties, we do not think that it is a proper case to pursue the matter of criminal contempt. It is an incident of over three years back. The Divisional Commissioner has also since moved to another Division. At times, it is better, let bygones be bygones.

We, therefore, close this proceeding.

Learned Senior Counsel, Sri Yogesh Chandra Verma, humbly undertakes that the criminal complaint, as filed by the Advocate against the Divisional Commissioner, he would advise not to be pursued.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Rajeev/-

U		T	
---	--	---	--