

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (C) No. 583 of 2015**

Deepak Rajput S/o Shri Jeevan Lal Rajput, Aged About 30 Years R/o
Sargaon, Police Station- Hirri, District Mungeli, Chhattisgarh
(Complainant)

---- Petitioner

Versus

1. R. L. Bagh , Sub Inspector, Hirri Police Station, Tahsil Bilha, District Bilaspur, Chhattisgarh
2. Smt. Rajshri Damo, The Then Sub Inspector, Police Station Sargaon, Presently Working As Sub Inspector, Mungeli, P.S. City Kotwali, District Mungeli, Chhattisgarh
3. Govind Yadav, Probationary Sub Inspector Sargaon, District Mungeli, Chhattisgarh
4. Smt. Neethu Kamal, Superintendent Of Police, Mungeli, District Mungeli, Chhattisgarh
5. Smt. Lata Urvasha, Returning Officer, Nagar Panchayat, Sargaon, District Mungeli, Chhattisgarh
6. P.C. Dalei, Chief Election Commissioner Chhattisgarh, State Election Office, Ghari Chowk Raipur, District Raipur, Chhattisgarh
7. Dr. Sanjay Alang, District Election Officer, Mungeli, District Mungeli, Chhattisgarh
8. Shri Ashish Tripathi, Chief Municipal Officer, Nagar Panchayat Sargaon, District Mungeli, Chhattisgarh
9. Satyanarayan Gupta, The Then Chief Municipal Officer, Nagar Panchayat Sargaon, Presently Posted As Office Assistant Grade I I, Nagar Panchayat Balouda, District Janjgir-Champa, Chhattisgarh
10. Sushil Chand Dwedi, The Then Superintendent Of Police Mungeli, District Mungeli, Chhattisgarh, Presently Working As I.P.S. At Police Head Quarter, Near Mahanadi Bhawan Mantralaya Naya Raipur District Raipur, Chhattisgarh(Contemnors)

-----Respondents

For Petitioner:

For Respondents No.1 & 3:

Shri SC. Verma, Advocate.
Shri Dharendra Prasad Mishra,
Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

10.3.2016

1. On 7.4.2015, this Court, while disposing the Writ Petition (C) No.587 of 2015, had made the following observation:-

“8. The Writ Petition is accordingly disposed of with a direction to the concerned police to investigate the matter and to take further action in accordance with the procedure prescribed in the Criminal Procedure Code on the basis of the finding of the investigation.”

2. However, the present Contempt Petition was filed as early as on 21.12.2015 wherein, it was submitted by the Petitioner that the Respondents have not taken any action on the directions given by this Court on 7.4.2015. Notices were issued to the Respondents in the contempt proceedings and they have now entered appearance on 1.3.2016 making categorical statement that they have conducted investigation and after conducting the investigation, they have also consulted the Director, Prosecution, District Mungeli and finally have reached to a conclusion that no offence was made out on the allegations that were leveled by the Petitioner and have accordingly closed the matter.

3. Learned Counsel for the Petitioner, at this juncture, submits that though the Respondents have taken a decision and have closed the matter stating that no offence was made out, but they have not conducted any investigation/enquiry in the proper perspective which was in the mind of this Court while disposing of the Writ Petition on 7.4.2015 and that they ought to have conducted a substantial and detailed enquiry into the allegations levelled against the Respondents which they have not done.

4. The admitted fact in the present Contempt Petition is that subsequent

to the disposal of the Writ Petition and the directions given by this Court to investigate and take a further decision, the Respondents have taken a decision that of dropping the matter holding that that there was no offence made out.

5. If the grievance of the Petitioner still survives that the police authorities have not conducted proper investigation/enquiry and the decision of no offence made out also not being proper, the Petitioner has other remedies available to him for challenging the decision before the appropriate forum under appropriate provisions of law. The same in any case cannot be looked into in the contempt jurisdiction of this Court where the only grievance of the Petitioner was that the Respondents were not taking a decision as per the directions given by this Court and subsequently, the Respondents in their reply stated that they have taken a decision and have finally reached to the conclusion that no offence was made out. The fact that the Respondents/authorities have acted upon the order passed by this Court and taken a final decision, nothing further survives in the present Contempt Proceedings as the order passed by this Court stands honoured and decided. Since the Petitioner has other remedies available to him, the contempt proceedings are dropped at this juncture.

Sd/-
(P. Sam Koshy)
JUDGE