

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1221 of 2017**

S. Sidharth & Anr

... .. Appellant/s

Versus

Rajendra Prasad & Ors

... .. Respondent/s

**Appearance :**

|                      |   |                                                           |
|----------------------|---|-----------------------------------------------------------|
| For the Appellant/s  | : | Mr. Lalit Kishore, A.G.<br>Mr. Ranjeet Kumar, AC to A.G.  |
| For the Respondent/s | : | Mr. P.K. VERMA- AAG3<br>Mr. Saroj Kr. Sharma, AC to AAG-3 |

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      04-09-2017                      Though the writ petitioner is not before us, but taking note of the nature of the order that we propose to pass, it is not necessary to hear the writ petitioner.

Having heard learned counsel for the parties, in view of the undertaking given before us that the officer concerned shall remain present on 6th of September, 2017 even without execution of the bailable warrant issued, we direct that on the Officer appearing before the learned Court where contempt proceeding is pending, the Court shall not execute the warrant and the Officer shall remain present before the Court where M.J.C. in question is listed on 6th of September, 2017 and thereafter file an affidavit indicating the nature of compliance



made and the action proposed to be taken consequent to the order passed after disposal of the writ appeal and on consideration of the same, the Court shall proceed in the matter in accordance with law.

With the aforesaid, this appeal is disposed of.

Even though this is a contempt application filed under the Contempt of Courts Act, but keeping in mind the law laid down in the case of Midnapore Peoples' Coop. Bank Ltd. & Ors. Vs. Chunilal Nanda & Ors., the order passed being in the nature of an order passed exercising the writ jurisdiction, we are constrained to interfere into the matter.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

K.C.Jha/-

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