

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CONTEMPT CASE No.1234 OF 2017

ORDER:

This contempt case is filed alleging non-implementation of the order, dated 27.04.2017 passed in W.P.No.15681 of 2017. The order passed by this Court reads as under.

"Notice before admission.

Learned counsel for the petitioners is permitted to take out personal notice to the 4th respondent by RPAD and file proof of the same.

Post after Summer Vacation 2017.

In the meanwhile, the third respondent can go ahead with the investigation pursuant to registration of Crime No.32 of 2017, dated 27.03.2017 by following due process of law, but shall not arrest the petitioners 1 and 4. It is needless to observe that the investigating officer shall comply with Section 41-A of the Code of Criminal Procedure in respect of petitioners 2 and 3 while investigating the crime."

A counter affidavit is filed stating that the petitioners suppressed the fact of filing the criminal petition No.2945 of 2017 before this Court on 07.04.2017 under Section 438 CrPC., praying to enlarge the petitioners on bail in the event of their arrest in connection with crime No.32 of 2017, dated 27.03.2017 under Sections 354, 323, 506 read with Section 34 IPC and Section 3(1)(r)(s), (ii)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on the file of the Police Station, Maddipadu, Prakasam District. The said criminal petition was dismissed on 24.04.2017. It is also stated that after dismissal of the said criminal petition on 24.04.2017, the writ petition was filed and this Court passed the order on 27.04.2017. It is stated that the order, dated 27.04.2017 passed in W.P.No.15681 of 2017, was received on 12.05.2017, whereas the order dated 24.04.2017 passed in Criminal Petition No.2945 of 2017, was received on 04.06.2017. The contemnor proceeded on the basis of

the directions contained in Criminal Petition No.2945 of 2017 without any wilful intention to disobey the orders. It is further stated that the accused Nos.1 and 4 along with other accused approached the Maddipadu Police Station and voluntarily surrendered themselves before the Sub Inspector of Police, pursuant to the orders of dismissal in Criminal Petition No.2945 of 2017. The said fact was intimated by the Sub Inspector of Police, Maddipadu Police Station, at 1.00 p.m., on 13.06.2017 to the contemnor and accordingly they were taken into custody and were produced before the Judicial First Class Magistrate-cum-Special Mobile Court, Ongole. The learned Magistrate remanded them for judicial custody.

A reply affidavit is filed by the petitioners stating that the contemnor filed the vacate petition in the writ petition on 12.06.2017 by signing the said affidavit on 05.06.2017. Thus, it is clear that he was aware of the order of this Court dated 27.04.2017 by the date of the arrest on 13.06.2017. It is categorically stated that the petitioners were brought to the Police Station by the Constables from their respective houses and the petitioners informed the contemnor not to arrest them in view of the order dated 27.04.2017. Since they did not fulfil the illegal demands, the contemnor arrested them and produced before the trial Court. The statement made in the paragraph 8 of the counter affidavit of the contemnor that the petitioners themselves surrendered and as such, they were arrested, was false. It is further stated that the petitioners never surrendered themselves before anyone. The petitioners were brought to the police station in a highhanded manner and were made to sit in the police station.

In view of the above facts, it is very clear that the contemnor was aware of the order passed by this Court in W.P.No.15681 of 2017, dated 27.04.2017 by the date of arrest of the petitioners on 13.06.2017. Even if the petitioners suppressed the material fact relating to filing of the criminal

petition before this Court and its dismissal on 24.04.2017, the said fact should have been brought to the notice of this Court in the vacate petition filed on 05.06.2017 and should have obtained appropriate orders from this Court. The arrest of the petitioners on 13.06.2017 is a clear violation of the orders of this Court. Hence, this Court holds that the contemnor is guilty of committing contempt of the orders of this Court and with regard to punishment, this Court feels it fit to direct the Deputy Inspector General, Mangalagiri, to impose appropriate punishment after conducting enquiry on the departmental side on the basis of the above facts as it deems fit.

The contempt case is accordingly allowed.

15.12.2017

Note: Dispatch copy to the Superintendent of Police,
Ongole, Prakasam District.
(By order)
pln

A.RAMALINGESWARA RAO, J

