

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.740 of 2017

Date of Decision:-27.03.2017

Virender Kumar.

.....Petitioner.

Versus

Shri Ashwin Shenvi IPS, presently posted as SP Sonipat.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Roopak Bansal, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner has preferred the instant contempt petition under Section 12 of the Contempt of Courts Act, 1971 against the respondent for an alleged violation of interim order dated 15/12/2016 (**P-1**) passed by this court in CRM-M-44869 of 2016 now pending for 28.03.2017.

Counsel for the petitioner has been heard at length.

Ld. Counsel for the petitioner has argued that on 15.12.2016, this court, while passing an interim order in the above captioned criminal miscellaneous, had directed the respondent to file a status report on or before next date of hearing. Subsequently, on 15.02.2017, the matter was again taken up, whereby this court had again directed the SSP, Sonapat to file detailed affidavit in context of status of investigation and thereafter, the matter was adjourned for 28.03.2017. However, till date no report has been submitted, neither any decision has been taken on the representation

dated 18.07.2016, thus respondent is liable for contempt.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and deserves to be dismissed.

In the present case, the matter is still sub-judice before the Coordinate Bench of this court, which is already seized of the matter. The directions as given by the Court are for submission of status report and as is evident from the subsequent order, it has been explained that why status report could not be filed, which was accepted by the coordinate bench of this Court. Consequently, time was extended to file the report. Thus, the order dated 15.12.2016 stood modified and the court had granted more time to respondent, to file its report. Hence, no ground is made out for any contempt, especially when the orders passed by the court while exercising powers under section 482 of Cr.PC does not come under any mandate of law which would entitle the petitioner to invoke the jurisdiction of this court under Contempt of Courts Act, 1971. Even otherwise, the petitioner has all the opportunity to raise all the pleas available to him in aforementioned criminal miscellaneous petition.

In view of the above, present contempt petition is dismissed, being without any merit.

(JASWANT SINGH)
JUDGE

March 27, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>