

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.257 of 2017

In

Miscellaneous Jurisdiction Case No. 4893 of 2012

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1. Most Janki Devi widow of Late Rajpal Singh, resident of village-Balaura, Police Station- Banshi Karpi, District- Arwal.

.... Petitioner/s

Versus

1. The Union of India through Sri R.K. Singh, Chief Secretary, Government of India, New Delhi.

2. Mr. H.C. Bhanot, Under Secretary, Government of India, Ministry of Home Affairs, Freedom Fighter Division, Lok Nayak Bhawan, Khan Market, New Delhi.

3. The State of Bihar through Sri Ashok Kumar Sinha, The Under Secretary Freedom Fighter Division, Home Ministry, Old Secretariat, Patna.

4. Sri S. Srinivasan, Zonal Manager, Zonal Office, Punjab National Bank, R. Block, Patna.

5. Sri Ravi Kant Sinha, Branch Manager, Punjab National Bank, Terk Telpa, Arwal.

6. Mr. Sanjay Kumar Singh, District Magistrate, Arwal. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kr. Verma, Sr. Advocate

For the U.O.I. : Mr. S.D. Sanjay (Addl. S.G.)
Ms. Kanak Verma (C.G.C.)

For the Bank : Mr. Suresh Pd. Singh No. 1
Ms. Kumari Rashmi

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

15 25-07-2018

Heard learned Senior Counsel for the petitioner and

learned counsel for the State. Learned counsel appearing on

behalf of the P.N.B. and Union of India are also present.

The present review application has been filed on the specious ground that the Union of India had no role to play and, therefore, this Court while disposing of the contempt application has seriously made an error apparent on the face of the record.

It is thus submitted that the contempt application be



reviewed and re-heard and the order of the Writ Court may be considered in its entirety.

Learned counsel for the P.N.B. and the Union of India are present in Court today and have made a preliminary objection that a review application is not maintainable as review is basically a creation of the statute and the Contempt of Courts Act does not provide any such provisions so as to enable the petitioner to contest the matter under review jurisdiction. In this context, learned counsel for the Respondent P.N.B. has referred to the few judgments cited in (1996) 4 SCC 414 para 4 which have been quoted below:-

“It is well known that contempt proceeding is not a dispute between two parties, the proceeding is primarily between the court and the person who is alleged to have committed contempt of court. The person who informs the court or brings to the notice of the court that anyone has committed contempt of such court is not in the position of a prosecutor, he is simply assisting the court so that the dignity and the majesty of the court is maintained and upheld. It



is for the court, which initiates the proceeding to decide whether the person against whom such proceeding has been initiated should be punished or discharged taking into consideration the facts and circumstances of the particular case.”

Over and above, the settled proposition of law as discussed above, the Writ Court had only issued direction to the District Magistrate to take appropriate action and the District Magistrate after making due verification had observed in favour of the petitioner and this Court after noting as such has dropped the contempt proceedings as there had been substantial compliance of the directions issued.

Learned counsel appearing on behalf of the Punjab National Bank further submitted that the present review application seek exercise of appellate jurisdiction in the guise of review which is contrary to law and is not recognized by the provisions of the statute as stated in the contempt of Courts Act. It was further submitted that the prayer in the review application traveled beyond the scope of review by introducing a new plea, a new cause of action and a new relief which could not be entertained, and accordingly prayed for dismissal of the review



application.

In response to the aforementioned submissions advanced by learned counsel for the Punjab National Bank, learned Senior Counsel for the petitioner submits has also drawn my attention to another judgment of the Andhra Pradesh High Court in which the Court interfered in review jurisdiction filed by the petitioner, but this Court on perusal of the same is not inclined to re-open the case as a contempt application is not adversial in nature.

Moreover, the power of the High Court under Article 215 of the Constitution has to be in compliance of the provisions of the validly enacted law, the act of 1971. The Act does not expressly give inherent power to the High Court in matter of contempt of Court which provides in Section 19, appeals from order or decision of the High Court in exercise of its jurisdiction to punish for contempt. Thus, in the considered opinion of the Court, when the Act does not confer inherent power or power of recall or review, and provides remedy against order or decision in the matter of contempt, the power of the High Court of recall or review in matter of contempt cannot be invoked and is not maintainable.



The review application stands dismissed.

(Anjana Mishra, J)

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