

HIGH COURT OF CHHATTISGARH, BILASPUR

Cont. No. 70 of 2018

- Hemshankar Deshlahara S/o Late Shri D. Deshlahara Aged About 54 Years Post As Ex. Chief Municipal Officer, Muniipal Council, Tilda Newra, Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Sanjeev Shukla Posted As Superintendent Of Police, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Pramila Mandavi Posted As Station House Officer, Police Station Tilda-Newra, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Respondents

For the Petitioner : Shri Anup Majumdar,
Advocate.

For the Respondent/State : Shri Chandresh Shrivastava,
Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17.05.2018.

1. Heard this petition has been brought with a prayer to initiate the contempt proceedings against the respondents for disobedience of the order passed by this Court in **WPCR No. 292/2016**, Vide order dated **11.08.2017**.

2. The operative part of the order passed by this Court in **WPCR No. 292/2016**, Vide order dated **11.08.2017** is as under :-

“ This petition was disposed of with the following direction : -

Respondents No.1 to 4 are directed to consider on the allegations made by the petitioner in the FIR lodged by him and the statement recorded of him under Section 161 Cr.P.C. and come to a conclusion with respect to alleged offence whether it is made out or not also keeping in view Section 4 of the Act, 1989, which provides that a public servant who not being a member of Scheduled Castes and Scheduled Tribes willfully neglects his duty required to be performed by him under this Act shall be a punishable offence.”

3. It is submitted by learned counsel for the petitioner that compliance of this order has not been made by the respondents even after express direction issued by this Court, hence, they may be proceeded against in contempt proceedings.
4. Learned counsel for respondent No. 2 submits, that on the basis of FIR lodged by the petitioner in PS- Tilda- Newra, the FIR was registered for the offences of under Sections 294, 323 & 503/34 of the Indian Penal Code at the initial stage. The grievance of the petitioner was this that even though he has specifically mentioned that he was insulted by his caste name by the said accused persons, the offence under Section Atrocities Act was not registered. Later on during the further investigation the offence of 3(1)(x) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 has been added on 01.08.2016 and the case has been transferred for investigation

by the superior officer of the rank of DSP, hence, the order has been complied with and it is not a case of any non-compliance of the order by this Court.

5. Learned counsel for respondent No.1 has submitted similarly.
6. At this stage learned counsel for the petitioner submits that according to the reply submitted by the respondents even though the offence of atrocities has been registered, the investigation in this case is still kept pending without any progress, for which, a direction may be issued.
7. After due consideration on all the submissions made and the documents submitted by both the parties, I am of the view that the order passed by this Court in **WPCR No. 292/2016**, Vide order dated **11.08.2017** has been complied with, hence, no case is made out for proceeding against the respondents under the provisions of Contempts of Courts, Act 1971. However, the grievance of the petitioner appears to be genuine, that FIR was lodged on 19.07.16, has not been investigated completely after passing of nearly two years for which specific direction may be issued to the respondents.
8. Hence, after due consideration, the contempt petition is dismissed. However, specific direction is issued to the respondents to conclude the investigation on the FIR lodged by the petitioner preferably within a period of four months from the date of passing of this order.

Sd /-

(Rajendra Chandra Singh Samant)

Judge