

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONTEMPT CASE (CIVIL) NO. 386 OF 2018**

- Dr. Ramesh Kumar Gupta, S/o Shri A.R. Gupta, aged- 65 years, Mungeli Naka, near Green Park, Bilaspur, District Bilaspur (C.G.)

... Petitioner**versus**

1. Shri Subrat Sahu, the then Principal Secretary, State of Chhattisgarh, Department of Family Welfare & Health, Mantralay, Mahanadi Bhawan, Naya Raipur, New Chief Election Officer, State of Chhattisgarh, H.Q.- Shastri Chowk, Old Mantralaya Premises, Raipur (CG)
2. Shri M.L. Tamrakar, the Under Secretary, State of Chhattisgarh, Department of Family Welfare & Health, Mantralay, Mahanadi Bhawan, Raipur.
3. Dr. B.B. Borde, Chief Medical & Health Officer, Bilaspur, District Bilaspur (C.G.)
4. Shri Bhanu Pratap Singh, Clerk to Chief Medical & Health Officer, Bilaspur, District Bilaspur (C.G.)
5. Shri M.K. Roy, Sub Inspector, P.S. Chakarbhata, Dist. Bilaspur (C.G.)

... Respondents

For Petitioner : Mr. R.K. Kesharwani, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/04/2018**

1. The present contempt petition has been filed alleging willful disobedience of the order passed by this Court on 15.2.2017 in Cr.M.P. No. 483 of 2015.
2. Grievance of the Petitioner is that this Court in exercise of its powers under Section 482 of CrPC while disposing of the said Cr.M.P. had quashed the criminal prosecution against the Petitioner and had granted a liberty to the State Government that if they still desire to prosecute the Petitioner they may obtain proper sanction as is required under the provisions of law and then initiate prosecution case against the Petitioner. According to the Petitioner, proper sanction as is required under Section 197 of CrPC has not been obtained by the State Government and they have again issued an appropriate letter to the police authorities for registration of an FIR, which led to the filing of present contempt petition.

3. A perusal of the observations made by this Court while disposing of Cr.M.P. No. 483 of 2015 on 15.2.2017 and on perusal of the action now under challenge, it clearly reflects that the action on the part of the Respondents would not fall within the ambit of contempt of Court. Rather, it would be a fresh cause of action altogether which the Petitioner would have to challenge in an appropriate proceeding.

4. The present contempt petition being not maintainable deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

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