

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONTR No.1 of 2017**

Sessions Judge, Janjgir Champa

---- **Petitioner****Versus**

Advocate Shri Ganesh Sharma & anr.

---- **Contemnors**

For Petitioner	:Shri Vivek Sharma, Amicus Curiae
For Respondents/Contemnors	:Shri Punit Ruparel, Advocate along with Contemnors

**Hon'ble Shri Pritinker Diwaker &
Hon'ble Shri Sanjay Agrawal, JJ**

Oder on Board**28.03.2018****Per Sanjay Agrawal, J.**

1. This is an Office reference registered on the basis of P.U.D. received from Sessions Judge, Janjgir Champa (C.G.)
2. From bare perusal of the said P.U.D., it is manifest that after the Criminal Appeal No. 10/2017 (Prabha Devi v. Saurabh Pathak and another) was heard by the Sessions Judge, Janjgir Champa and was fixed for judgment on 23.05.2017, an application duly signed by Shri Saurabh Pathak and his Advocate Shri Ganesh Sharma was filed on 22.05.2017 whereby they sought transfer of the case to some other Court making allegations that the Court conducting the case was managed at the hands of appellant Prabha Devi, and therefore, there was no hope of getting justice there-from.

3. The allegations so made are indeed serious and scandalous in nature. Therefore, taking cognizance of the allegations made by the contemnors, the Sessions Judge had suo-motu registered the case against them and issued the show-cause notices and in pursuance of show-cause notices, the contemnors filed their reply, which was not found satisfactory by the Sessions Judge, therefore, this reference has been made to this Court.
4. On receipt of the reference, notices were issued to the contemnors on 28.07.2017 as to why they should not be dealt with under the Contempt of Courts Act for displaying the audacity coupled with usage of derogatory words against the Presiding Officer, District and Sessions Judge, Janjgir Champa.
5. In pursuance to the said notices, the contemnors Shri Saurabh Pathak and Shri Ganesh Sharma, Advocate appeared on 04.01.2018 through their counsel and prayed for time to file reply. The matter was listed on 22.01.2018 and, on the said date, the contemnors have prayed for time for filing their affidavits. The matter was accordingly adjourned to 20.02.2018. On 20.02.2018 the matter was again directed to be listed on 28.02.2018 and, in the meantime, they have submitted their affidavits on 28.02.2018.
6. As the aforesaid affidavits were not found satisfactorily, this Court expressed its discontentment and accordingly the affidavits have been withdrawn with liberty to file fresh affidavits. The said prayer was allowed on 07.03.2018. Thereafter, they have submitted their affidavits again on 26.03.2018.
7. We have examined the contents made in the said affidavits, in

which, they have submitted that all the allegations, which were made in the application filed on 22.05.2017, were totally false and unreliable while tendering unconditional apology and undertaking to maintain decorum of the Court.

8. Considering the unconditional apology so tendered by both the Contemnors given in writing through affidavits, we accept the same by warning them to maintain decorum of the Court and abstain from making any irrelevant allegations against any Court in future.
9. With the aforesaid direction, the contempt reference made by the Sessions Judge, Janjgir Champa stands disposed of. Rule is discharged and the contempt proceedings are hereby dropped against them.

Sd/-

(Pritinker Diwaker)
JUDGE

Sd/-

(Sanjay Agrawal)
JUDGE