

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.365 of 2015

ORDER:

This Contempt Case is filed alleging wilful and deliberate violation of the interim order passed by this Court in W.P.M.P.No.48443 of 2013 in W.P.No.38988 of 2013 dated 03.01.2014 whereby the respondents therein were directed not to call the petitioner to the police station except on a written notice being issued to them under Section 41-A, or Section 160 Cr.P.C, as the case may be.

The petitioner has asserted, in the affidavit filed in support of the Contempt Case, that the respondent herein had come to the subject property on 21.02.2015, and had taken away the watchman, labour and labour supervisor, he had kept them in the police station for two days, and had freed them only on 24.02.2015. These allegations are denied in the counter-affidavit filed by the Inspector of Police (Station House Office), Humayunnagar Police Station. It is further stated therein that the petitioner was an accused in Crime Nos.48 and 55 of 2015; the VI Additional Chief Metropolitan Magistrate had issued a warrant of arrest against the petitioner in connection with C.C.Nos.136 and 138 of 2015; and, under the guise of the interim order, the petitioner was intentionally evading execution of the warrant. No reply affidavit has been filed to this counter-affidavit and, as such, the averments in the counter-affidavit stand un rebutted.

The interim order passed by this Court disabled the Inspector of Police (Station House Officer) to call the petitioner to the police station, except after issuing a notice under Section 41-A or Section 160 Cr.P.C. It did not protect the petitioner from action being taken against him by the VI Additional Chief Metropolitan Magistrate by issuing warrant of arrest. It is evident, therefore, that the order of this Court has not been violated, much less wilfully and deliberately.

The Contempt Case is, accordingly, closed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

10th August, 2018
JSU



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Date: 10.08.2018

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