

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.1289 OF 2014

ORDER:

The order, violation of which is alleged in the present Contempt Case, is the order passed by this Court in WP.No.38145 of 2013 dated 02.01.2014 wherein this Court observed that, as the petitioner's threat perception to his life was required to be assessed by the Superintendent of Police, East Godavari at Kakinada, the petitioner should be permitted to submit a representation to the Superintendent of Police who should, within two weeks from the date of receipt of the representation, examine the threat perception to the petitioner's life and consider whether police protection should be afforded to him. While the order required the Superintendent of Police to examine the threat perception to the petitioner's life, it did not require him to pass an order or to communicate the same to the petitioner.

In his counter affidavit filed before this Court, the Superintendent of Police, East Godavari at Kakinada stated that an enquiry was caused by the Inspector of Police; on his instructions, the Sub-Inspector of Police, Indrapalem had conducted a detailed enquiry; the enquiry revealed that the petitioner was originally a resident of Ganganapalli Village; he was involved in a copper wire theft case in Crime No.90 of 2005 under Section 379 IPC at Steel Plant Police Station; later he shifted to Ganganapalli Village, and was moving closely with Mummididi Raja Babu by doing cultivation; in the year 2007, he had disputes with his elder brother regarding some landed property, and attempted to kill him; this was the subject matter of Crime No.44 of 2007; in view of his disputes with Mummididi Raja Babu, the petitioner had joined hands with Mummididi Rambabu

who had disputes with Mummidi Raja Babu; the Inspector of Police had asked the petitioner, during the enquiry about his stay in a rented house at Gandhinagar, Kakinada along with his family members after giving his own house at Ganganapalli for rent to his brother-in-law; the police offered to give him protection, by posting a picket in the village at his house, if he shifted his family from Gandhinagar, Kakinada to Ganganapalli Village; the petitioner and his family members did not show interest to go to Ganganapalli Village in view of his health problem; the police also offered to provide personal protection (Gun man) if he needed; for that he expressed, in his statement, that he did not require personal protection (Gun man); the petitioner wanted stringent action to be taken against Mummidi Rajababu and his followers, from whom he anticipated threat to his life; the Sub-Inspector of Police, Indrapalem bound over the respondents under Section 110(3) of the Code of Criminal Procedure as per the instructions of the Inspector of Police, Kakinada; the petitioner was informed that, if the police concerned did not take proper action against the respondents, he could approach Indrapalem police for appropriate action; the above said report was filed in the office of the Government Pleader for Home on 18.02.2014 but he came to know later that the said report had not been submitted to the Court. The Superintendent of Police further stated that he had implemented the interim order of this Court by enquiring into the representation of the petitioner; and the contention of the petitioner that he had violated the interim order was incorrect, and has been created for the purpose of filing the Contempt Case.

A reply affidavit is filed by the petitioner wherein he stated that a copy of the report submitted on 14.02.2014 had not been filed till date; the allegation that the respondent had complied with the order

was incorrect; whenever the petitioner complained about the inaction, and was asserting that there was danger to his life at the instance of M.Raja Babu and others, no action was taken; the allegation that he gave a statement that he decided to reside in Gandhinagar due to his health condition, there was no need to provide gun man, and the local police had assured to arrange a police picket in Ganganapalli was incorrect; till today, no police picket was arranged in Ganganapalli Village; consequently, he was constrained to stay at Kakinada along with his family; the Circle Inspector of Police had come to his house along with a band of constables, and had obtained his signature, along with that of his family members, on the written statement running into four pages without affording him an opportunity to read its contents. The petitioner also asserted that he had filed WP.No.20409 of 2016 and a direction was issued to respondents 4 and 5 not to call him to the Police station without any crime being registered against him; he had also lodged a complaint with the A.P. State Human Rights Commission, Hyderabad (Commission), and the Commission had directed the Superintendent of Police to submit a report as way back as on 15.02.2017; and, therefore, the respondents had wilfully and deliberately violated the order of this Court.

The jurisdiction which this Court exercises under the Contempt of Courts Act, 1971, to punish the respondents for violation of its orders, is only in case its orders are wilfully and deliberately violated. As proceedings under the Contempt Case are quasi-criminal in nature, the violation of the order of this Court is required to be established beyond reasonable doubt. The order of this Court only required the Superintendent of Police, Kakinada to examine the petitioner's threat perception, and consider whether

police protection should be given to him. The Superintendent of Police has had an enquiry caused by the Inspector of Police, and has stated that the petitioner was informed that police picket would be provided to him in case he decided to shift to Ganganapalli village. The petitioner is, admittedly, staying in Kakinada town and has not moved to Ganganapalli village due to his health condition. The contention, that no police picket has been provided, is therefore not tenable as the Superintendent of Police has offered to have a police picket provided in case the petitioner shifted to Ganganapalli Village. While the petitioner contends that a statement was obtained from him and his family members, without their being permitted to read its contents, these are all matters which are required to be examined in the Writ Petition which is still pending adjudication before this Court.

The present Contempt Case is filed alleging violation of the interim order passed on 02.01.2014. I am satisfied that the order of this Court has not been violated, much less wilfully and deliberately. I see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, closed. Miscellaneous applications, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

3rd August 2018
RRB