

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE NOS.1181 AND 2077 OF 2017

COMMON ORDER

1. These two contempt cases were filed alleging willful and deliberate disobedience to the order dated 02.11.2015 passed in W.P.No.33556 of 2015. They are therefore amenable to conjoined disposal by way of this common order.

2. Pushpanjali Country Resort, Teegalaguttapally, Karimnagar Mandal, Karimnagar District, filed W.P.No.33556 of 2015 assailing the action of the Superintendent of Police, Karimnagar; the Sub-Divisional Police Officer, Karimnagar; and the Station House Officer, Karimnagar (Rural) Police Station, Karimnagar District, in interfering with its lawful activities, including playing of the game of Rummy (13 cards game) by its members in the resort premises, on the ground that it was arbitrary and illegal, apart from being contrary to the law laid down by the High Court for the States of Telangana and Andhra Pradesh and the Supreme Court and also the provisions of the Andhra Pradesh Gaming Act, 1974 (*for brevity*, 'the Act of 1974'), and the Rules framed thereunder.

3. Final order dated 02.11.2015 was passed in this writ petition observing that the issue raised therein was no longer *res integra* as the Court had occasion to render a judgment on this very subject on 29.10.2015 in W.P.No.30597 of 2014, W.P.No.22428 of 2015 and W.P.No.121 of 2015. For reasons alike as were stated in the said common order dated 29.10.2015 and in terms thereof, the writ petition was disposed of with the following directions:

- ‘1. The respondent police authorities shall not interfere with the card game of Rummy (13 card game) whatever be the stakes;
 2. The petitioner shall install video cameras and record the entire recreational activities in the resort and preserve the said data at least for a period of fortnight so that the police can check the footage. The said C.C. cameras shall be connected with the jurisdictional police station and the Office of the Superintendent of Police for observation by the police to find out as to whether members of the resort are indulging in the activity of gambling. If any of the gaming places is not covered by C.C. cameras, it is for the police to take action.
 3. The police are entitled to enter into the premises of the petitioner’s resort for taking action as per law in the event of there being any violation of the provisions of law by the petitioner and the petitioner shall not cause any hindrance to the police in exercising their statutory powers; and
 4. This order would not come in the way of the respondents from taking action as per law.
 5. Any deviation of the above guidelines by the petitioner’s resort will be construed as violation of these orders.’
4. These two contempt cases were filed alleging that the respondents in the writ petition had willfully and deliberately disobeyed the above directions.

C.C.No.1181 of 2017:

5. In the affidavit filed in support of this contempt case, the Acting President of Pushpanjali Country Resort, Teegalaguttapally, Karimnagar Mandal and District, stated as follows:
 - a. The petitioner resort is a registered unit of the Government’s Tourism Department under the Tourism Policy, 2010. As it fulfilled all the requisite conditions set out under the caption, ‘Incentives and Concessions’ in Item No.2 of ‘Eligible Tourism Products of the Tourism Policy, 2010’, it was granted permanent registration, *vide* proceedings

dated 15.06.2013, of the Director, Tourism Department, Government of Andhra Pradesh. The said proceedings demonstrate that the petitioner resort commenced commercial operations from 27.04.2011. It is spread over an extent of Ac.5.00 guntas with a built-up area of 1.5 lakh square feet. It offers several amenities such as function halls, conference halls, lodgings, a convention centre, indoor games, health club, gym and an Olympic-standard swimming pool. 13 cards Rummy game was permitted to be played in the card rooms in the resort. The petitioner resort has a huge area with lush green lawns and gardens with internal C.C. roads and a parking area that can accommodate 200 cars. It is the only resort accredited by the Tourism Department of the State of Telangana and it won two 'Excellence' awards during the years 2014 and 2016 from the Telangana Government. Only members, enrolled upon due registration after scrutiny and selection, are entitled to avail the facilities offered by the petitioner resort. Only they and their family members can use the said facilities. Identity cards are issued to registered members and the list of members boasts of various eminent personalities, such as, Sri K.Vijaya Rama Rao, IPS, retired Director, CBCID, Sri J.Nrupender Rao, Chairman, Pennar Industries, and Sri V.Jagapathi Rao, senior politician, freedom fighter, eminent writer and freelance journalist, etc.

b. The President claimed that after receipt of the order dated 02.11.2015 passed in W.P.No.33556 of 2015, the petitioner resort complied with all the conditions mentioned therein and about 35 C.C. cameras were fixed at all vantage points in the resort. According to him, only four rooms were earmarked for playing 13 cards Rummy game, with 6 to 8 tables. Eleven C.C. cameras were fixed covering this entire area.

After passing of the order in W.P.No.33556 of 2015, the police inspected the resort and the card rooms and were fully satisfied. The C.C. cameras were being operated throughout the year and they never failed during the last two years, but for the exception of 2 to 3 hours. Even that failure was occasioned by technical glitches on the part of the internet provider owing to a power cut in the entire area. The petitioner resort was supervising the functioning of C.C. cameras and access to the live coverage by these cameras was given to the Superintendent of Police, Karimnagar, and also to the concerned jurisdictional police station to enable them to monitor the activities in the resort. After due compliance with the conditions mentioned in the order dated 02.11.2015 in W.P.No.33556 of 2015, the then Deputy Superintendent of Police, Karimnagar, inspected the resort in November, 2015 and satisfied himself as to the due compliance with the conditions. After passing of the said order and during the tenure of the earlier Superintendent of Police, Karimnagar, from November, 2015 to October, 2016, the police never alleged any illegalities on the part of the petitioner resort or violation of the conditions stipulated in the order dated 02.11.2015.

c. However, trouble started after Sri Kamalasan Reddy, the new Superintendent of Police, now designated as the Commissioner of Police, the first respondent, took charge in October, 2016. From then, the police started making false, frivolous, unfounded and baseless allegations by concocting stories against the petitioner resort. During his tenure as the Commissioner of Police from October, 2016 to June, 2017, i.e., within 8 months, false charges were leveled against the petitioner resort based on hearsay. The President stated that after assuming of charge by the first

respondent as the Commissioner of Police, he had personally called on the first respondent in the third week of November, 2016 and at that time, the first respondent conveyed his intention to close down the 13 cards Rummy game in the petitioner resort. The President asserted that he submitted a memorandum elaborating upon the reputation of the petitioner resort and its amenities. In spite of the same, the first respondent was bent upon creating some ground so as to shut down the playing of Rummy in the petitioner resort. The President asserted that the first respondent declared that he was responsible for closing down many clubs in Hyderabad during his term as the Deputy Commissioner of Police at Hyderabad and that he would see that the recreation activity of playing Rummy was closed even in the petitioner resort. The President pointed out that the clubs which were closed down in Hyderabad were gambling clubs but not membership clubs and were not constituted with a service motto and therefore, the analogy drawn by the first respondent was inappropriate.

d. The President further asserted that the first respondent subjected the petitioner resort to a series of raids with prejudice and malice aforethought from November, 2016, onwards. Within a span of 8 months, four major unprecedented war-like raids were conducted on the resort with a huge police force of 30 to 40 armed and civil police personnel. The intention appeared to be to scare the members of the resort and make them believe that the police was against the resort. Every time, the police came with a huge force in several vehicles with videos and cameras. They searched every nook and corner of the resort, thereby creating fear and panic not only amongst the members who were playing cards in the card

rooms but also visitors to the resort who used the other facilities, such as the bar, restaurant, lodging, function halls, gym, health club, etc. The President stated that it was reliably learnt that all these raids were conducted upon the instructions of the first respondent. He then gave details of the raids.

e. The first raid was on 12.11.2016 between 9.20 PM and 10.30 PM. On that day, about 36 police personnel, including one Circle Inspector, one Sub-Inspector, four Constables, gunmen with weapons, two police drivers, ten Home Guards, a videographer and cameramen came in two Bolero and Commander Jeeps, while some police personnel came on two wheelers, and searched the entire resort. They did not find any illegalities. After the raid, the police expressed that they were fully satisfied as to the compliance with the order dated 02.11.2015 in W.P.No.33556 of 2015. They requested installation of C.C. cameras on the staircase also and the petitioner resort duly complied with the same.

f. The second raid was conducted on 29.12.2016 between 8.00 PM and 10.00 PM on the pretext of bomb detection. The President claimed that he was personally present when the second raid was conducted, upon the instructions of the first respondent, 47 days after the first one. The Circle Inspector informed them that there was a bomb scare call made to the Commissioner directly by someone unknown. The police came with a force of 3 Sub-Inspectors, 2 Circle Inspectors, 20 Home Guards, 27 policemen with the bomb squad, detectors, police search dogs along with the press and media. They came in two Mahendra Jeeps and one DCM Tata Van and several two wheelers. The President claimed that the raid looked like a cooked-up premeditated plan to scare the members

and customers of the resort on the eve of New Year's Day. The President further stated that when he asked the police personnel, they informed him that a phone call was received and the first respondent Commissioner had directed them to rush and cause inspection of the resort. The President claimed that he personally observed the body language of the police personnel and they were not serious but very casual while roaming around the premises and ultimately declared that nothing was found. Thereafter, he learned that the case had been closed without any further investigation as to the person who had made the call and the cause thereof. He further stated that the police did not give any advance intimation to the resort management over the phone about any bomb threat to enable them to take precautions and that the police came leisurely to search for the bomb and roamed around the resort premises.

g. The third raid was conducted on 08.04.2017, 100 days after the second raid. During this raid, one ACP (Rural), one CI (Rural), one SI (Rural), 20 Home Guards, 2 gunmen, 6 Constables, 10 police personnel, along with several videographers and cameramen, searched the entire premises of the resort for two hours. At the end of the search, the police officers sat in a corner room and prepared a notice for service upon the management. The notice reads as under:

'It is noticed through some of Women Organizations (Mahila Sangalu) that running of Gambling i.e., Rummy game is being organized in your resort by non-membership candidates as well as some other games are running which are not permitted.

Basing on the above allegations, today i.e., on 08.04.2017, we have checked the premises your resort where Gaming is being organizing and found the following lapses i.e.,

- (1) As per the directions of the Hon'ble Court every table and room is should be cover under CC Cameras, but there are no

such coverage on the every room, every table and corridor where gaming is organized.

- (2) Since long back, there is no live coverage at P.S.Karimnagar Rural about the playing of gaming.

Basing on the above findings it shows that, you are exhibits gross negligence to follow the directions of the Hon'ble High Court, Hyderabad for the organizing of Gaming in your resort.

Hence you are hereby instructed strictly to follow the directions and guidelines in future. Otherwise legal action will be initiated against your resort.'

h. The petitioner resort addressed reply dated 20.04.2017, denying all the allegations made in the aforestated notice. Therein, it pointed out that women belonging to different political parties, who were not members of any registered women organization, had complained. It asserted that the police should have verified their antecedents before having their photographs with the Commissioner printed in all the newspapers. Two or three police officials visited the resort every week to check the cards playing area and they had not reported any illegal activity earlier. It was also pointed out that five rooms were allotted for cards and there were only 5 to 6 tables in these two blocks. Though only one camera would be sufficient for each room, the resort claimed that it had fixed 35 cameras altogether and every room and every table were duly covered as the cameras were functioning since the last 20 months and there was no complaint. It also enclosed a statement of Gurus Internet Company which indicated failure of the internet only for two hours during the previous two years and the petitioner resort denied the charge that the C.C. cameras were not functioning since long. The petitioner resort asserted that the onus was on the police to prove any lapses on its part.

i. The fourth raid was on 20.05.2017, 42 days after the third raid. The police encircled the resort from all directions. One ACP, one CI

(Traffic), one SI (Traffic), eight Traffic Constables and ten Home Guards stood at the entry gate while one IPS trainee officer, one ACP (Rural), one CI (Rural), two SIs, six Police Constables, twenty District Home Guards, with videographers, cameramen, three drivers, who had come in two jeeps, one Sumo, one other vehicle and ten two wheelers entered into the resort buildings. The police obstructed the incoming and outgoing vehicles and their behaviour was rude, rash and aggressive towards the drivers and owners of the vehicles. They also seized some of the vehicles and booked them. Inside the buildings, the police snatched cell phones and identity cards of the members and searched all the rooms. They threatened and warned the members and abused them in unparliamentary language. The police also obtained mobile numbers of some of the members' wives and instructed them to control their husbands and chastised them about not allowing their husbands to play cards in future. The police then prepared the notice dated 21.05.2017 attributing falsehoods to the resort. Therein, the police alleged that a game other than the permitted game was being played at the resort and that there was no live C.C. coverage since a long time. According to the police, they found the following lapses: The C.C. cameras were connected only to the jurisdictional police station and not connected to the office of the SP/CP. No C.C. cameras were available at the counter rooms where the customers collected tokens. Persons other than members were allowed entry into the card rooms and they were also playing card games. Lastly, according to the police, though Rummy was the only permitted card game, on local information, activities like playing of three cards, huge betting relating to the ongoing IPL cricket was taking place. The notice

ended with an instruction to the petitioner resort to follow the directions and guidelines in future for installation of C.C. cameras.

j. The petitioner resort submitted reply dated 25.05.2017 received by the Station House Officer, Karimnagar Rural Police Station, on 26.05.2017. Therein, the petitioner resort denied playing of three cards and entry of non-members into the card playing area. As regards the C.C. cameras issue, the petitioner pointed out that the High Court had not indicated any number and as the card games were operated in 6 to 7 rooms in A & B blocks, C.C. cameras had been fixed in all the rooms and in all, an aggregate of 35 cameras. The petitioner resort denied betting in relation to IPL cricket. It asserted that it had not violated the High Court order.

k. The President stated that during these raids, the police officials who came to the resort informed them that they were conducting the raids on the instructions of the first respondent. He further pointed out that in none of the four raids, the police had come across any incriminating material and asserted that the first respondent, with the evil intent and motive to close down the resort, was making enormous efforts to create some false evidence against the resort so as to overreach and overcome the order dated 02.11.2015 passed in W.P.No.33556 of 2015. He stated that the continuous raids had caused enormous danger to the reputation of the petitioner resort besides financial loss. He alleged that the tendency of the first respondent, who was the district head of police administration, was not only alarming but also distressing. He alleged that the first respondent, being a senior officer, was deliberately acting to subvert the order dated 02.11.2015 passed in W.P.No.33556 of 2015 and his subordinates were obeying his illegal commands and that all of them

were liable to be punished for contempt. He asserted that all the respondents in the contempt case were guilty of intentional and willful violation of the order and such flagrant violation of the order was clearly reflected in the attitude of the first respondent and other police officials, who had undermined the authority of the Court and its dignity and ultimately, the administration of justice, and they had no respect for the rule of law. The President stated that after the raid on 08.04.2017, he instructed his counsel to issue letter dated 17.04.2017 to the Director General of Police, State of Telangana, the second respondent in the writ petition, to issue suitable instructions to the first respondent and his subordinates who were resorting to illegal methods to deviate from the order dated 02.11.2015 in W.P.No.33556 of 2015. Thereupon, the Director General made an endorsement to the first respondent to act in accordance with law.

6. Third party affidavits were filed along with the contempt case, wherein members of the petitioner resort spoke of the events during the raids. Significantly, they all claimed that the police personnel not only searched the card rooms, but went about the entire resort checking on members and conducting searches. These affidavits make it clear that every person who was there in the resort was subjected to some sort of interception, apart from an invasive search. The letter dated 24.11.2015 addressed by the petitioner resort to the Superintendent of Police, Karimnagar, reflects that in compliance with the order dated 02.11.2015 passed in W.P.No.33556 of 2015, the petitioner resort installed video cameras and furnished the IP address, user name and password for accessing the live coverage through Internet Explorer. A copy of this letter

was also addressed to the Circle Inspector, Rural Police Station, Karimnagar.

7. Notice before admission was ordered in this contempt case on 30.06.2017. Perusal of the record reflects that all the three respondents received notice in this contempt case. Sri Kamalasan Reddy, IPS, Commissioner of Police, Karimnagar, the first respondent, received it on 16.07.2017, Sri Tirupathi, Assistant Commissioner of Police (previously, Assistant Superintendent of Police), the second respondent, received it on 14.07.2017 and Sri Sashidhar Reddy, Station House Officer, Karimnagar (Rural) Police Station, the third respondent, received it on 16.07.2017. Despite service of notice, the second respondent did not choose to enter appearance before the Court. The first respondent and the third respondent entered appearance through the learned Government Pleader for Home, State of Telangana.

8. The first respondent filed counter affidavit dated 23.10.2017. Therein, he stated that the petitioner resort did not comply with the order dated 02.11.2015 passed in W.P.No.33556 of 2015. According to him, the petitioner resort installed 16 C.C. cameras in its premises but undermined the order dated 02.11.2015 in respect of providing live feed of such C.C. camera footage to the Rural Police Station and the Superintendent of Police, Karimnagar, on an uninterrupted basis. He asserted that two notices were issued in this regard, viz., C.No.40/B-3/2017 dated 08.04.2017 and C.No.80/B-3/2017 dated 21.05.2017. By way of these notices, the petitioner resort was asked to provide live feed of the C.C. camera recordings where cards were being played. According to him, the petitioner resort, *vide* reply dated 25.05.2017, admitted that the CCTV

connection was not previously provided to the Commissioner of Police. According to the first respondent, several women, acting on behalf of several Mahila Sanghalu (women's organizations), reported to the police that the petitioner resort was conducting illegal gambling on their premises and that several local families were financially affected by such gambling. It had also come to their notice that the resort permitted heavy betting in the ongoing IPL cricket tournament and permitted persons, other than those holding membership, into the resort to participate in such betting.

a. According to the first respondent, the petitioner resort was giving temporary membership to such persons from the local area, who were interested and habituated to gaming, by collecting amounts in the range of Rs.50,000/- to Rs.1,00,000/-. Taking note of these activities, the police conducted raids on 12.11.2016, 29.12.2016, 08.04.2017 and 20.05.2017. During these raids, the police found that C.C. camera footage was not beamed to the Rural Police Station, Karimnagar, and to the Superintendent/Commissioner of Police, as per the order dated 02.11.2015. C.C. cameras were not installed in the stairwells and at the counter rooms where customers collected tokens. Persons other than members were being allowed entry into the resort and were allowed to play and gamble in the resort, especially playing of 3 cards game.

b. The first respondent admitted that after these raids, the petitioner resort got issued notice dated 17.04.2017 to the Director General of Police, State of Telangana, to give suitable directions to him and his subordinates not to interfere with the resort's operations. He however asserted that all the contentions in the said notice were incorrect, baseless

and had been created for the purpose of filing this contempt case. Basing on the raid conducted on 18.07.2017, the police filed FIR No.295 of 2017 under Sections 3 and 4 of the Act of 1974 against the owner of the petitioner resort (A1), and the Manager of the petitioner resort (A2), along with 33 card game players (A3 to A35). He claimed that the police had undertaken all actions in strict accordance with the law and the order of the High Court. He claimed that raids were conducted only upon receipt of reliable information and specific complaints from women's organizations.

c. He referred to case law in support of his contention that the police would have the discretion to decide as to when to conduct a raid. He stated that the allegation of the petitioner resort that the police increased raids upon its premises only after he took charge was patently false. He pointed out that police raids on the petitioner resort started as early as in the year 2013 and reference in this regard was made in the petitioner resort's affidavit in W.P.No.33556 of 2015. He further stated that the allegations of the petitioner resort that he declared that he would close down 13 cards Rummy game and also the resort and that he started interfering illegally with its activities were all patently false. He denied the allegation that the police had ransacked the entire complex and destroyed the CCTV cameras, hard drives, etc. He again referred to case law in support of his contention that extraneous considerations against the police could not be attributed without specific and substantive proof. He claimed that the police were simply exercising statutory powers, which was permitted by the order dated 02.11.2015 passed in W.P.No.33556 of 2015, as the police have to maintain law and order in their jurisdiction and peace and tranquility in the area, by ensuring that no untoward and illegal

activities take place. He further stated that unless the police curbed and curtailed the unlawful activities of the petitioner resort, there was likelihood that it may continue its unlawful activities of gambling etc.

d. According to him, persons who were playing card games in contravention of the Act of 1974 were getting addicted to the game and to the activity of betting and this paved the way for ruining the gamblers' families and all this was made possible through the illegal activities of the petitioner resort. He asserted that the intention of the petitioner resort in filing the contempt case was to prevent the police from taking any action against its illegal activities and, at various points of time in the past, the petitioner resort had threatened the police not to enter into its premises, taking umbrage under the order dated 02.11.2015 passed in W.P.No.33556 of 2015. He concluded by stating that basing on the representation of various women's organizations about the illegal activities of the petitioner resort and also upon reliable information received and as per the powers conferred by Ordinance No.4 of 2017 dated 17.06.2017, the police raided the petitioner resort on 18.07.2017 and arrested 33 gamblers and seized Rs.7,97,360/-, apart from registering a case against all the accused. He stated that all these actions were in accordance with law and that he had great respect for the Court and its orders. He however tendered his unconditional apology if the Court came to the conclusion that he had violated the order and prayed for dismissal of the contempt case.

9. Be it noted that Contempt Case No.1181 of 2017 was filed on 28.06.2017, but the counter affidavit filed by the first respondent refers to

events that took place thereafter, which would actually be relevant for the purposes of C.C.No.2077 of 2017.

10. Be that as it may.

11. Along with this counter, letter dated 08.03.2017 addressed by women belonging to different political parties was also appended. Perusal thereof reflects that there is no reference therein to playing of 3 cards in the petitioner resort. The averment therein was that though several card-playing clubs had been closed down, such card playing activities were still continuing in the petitioner resort and the complainants called upon the first respondent to close down such activity in the petitioner resort also as several families were financially ruined due to gambling.

12. The third respondent filed counter-affidavit dated 10.07.2017. Therein, he stated that he had learned that the petitioner resort was conducting a game other than the permitted game without live C.C. cameras coverage since a long time. As women's organizations reported to the police that the petitioner resort was permitting IPL cricket betting, involving huge amounts, and persons other than members were also participating in such betting, on 21.05.2017 and other dates, he along with his staff inspected the resort and found that there were no C.C. cameras installed with connectivity with the office of the Superintendent/Commissioner of Police but C.C. cameras were connected only to the jurisdictional police station and not to the Superintendent/Commissioner's Office. Further, he found that no C.C. cameras were available in the counter rooms where customers collected tokens and it was also found that persons other than members were allowed entry and were playing games with stakes/betting.

a. He asserted that the petitioner resort violated the order passed by the High Court and that notice dated 21.05.2017 was issued to the Manager of the petitioner resort calling upon him to follow the directions and to install C.C. cameras at the Commissioner's Office and to stop 3 cards, apart from IPL cricket betting, and not to permit persons other than members. He claimed that the petitioner resort gave an evasive reply on 25.05.2017 asserting that it had not violated the High Court order. He further asserted that all the contentions in the notice dated 17.04.2017 addressed by the petitioner resort to the Director General of Police, State of Telangana, were incorrect, baseless, far from truth and had been created for the purpose of filing the contempt case. He asserted that the police had to maintain law and order, peace and tranquility in the area and visited the petitioner resort to watch its activities and the same would not amount to interference.

b. He further asserted that though the High Court had passed the order on 02.11.2015, the petitioner resort filed the present contempt case on 28.06.2017 as an afterthought so as to continue its illegal activities. He stated that the contempt case was barred by limitation and was liable to be dismissed. He denied the contention of the petitioner resort that during the raids the police had behaved rudely, rashly and aggressively towards drivers and owners of the vehicles. He claimed that upon receipt of reliable information only, the police had conducted raids by duly following the procedure. He asserted that the intention of the petitioner resort was to prevent the police from taking any action on its unlawful activities by filing the contempt case. He further asserted that by abusing the process of law, the petitioner resort was obtaining orders from the High Court and

misusing them, thereby threatening the police not to enter into its premises. He claimed that the petitioner resort was indulging in gaming activities with the main object of earning money and it was the bounden duty of the police, whenever they received information of illegal activities, and therefore they had to act accordingly.

c. He further stated that by taking advantage of the order passed by this Court, the petitioner resort identified persons in the local area and in other Districts, such as, Jagtial, Korutla, Luxettipet, Mancherial, Godavarikhani, Peddapalli, Siddipet and Warangal, who were interested and habituated to gaming and gave them temporary membership by collecting Rs.50,000/- and Rs.1,00,000/- towards membership subscription for playing cards. He stated that there was no necessity for the police to unnecessarily raid the petitioner resort and only on receipt of reliable information that gambling was taking place, they acted in accordance with law. He further stated the motto of the petitioner resort was to earn easy and quick money by taking undue advantage of the addiction of players and that playing of cards with stakes had two evils, i.e., it corrupted the mind of the players to become addicts and it made most of them bankrupt. He pontificated upon the evils of gambling and referred to a police case where a person had committed suicide after losing money in card games.

d. He asserted that in the guise of playing Rummy, several illegal activities were being carried on in several of these clubs and in order to curb such illegal activities, the police had to enter the premises of such clubs to ascertain whether any game of chance, other than Rummy, was being played. He further stated that by the latest amendment dated

19.06.2015 made to the Act of 1974 in the State of Telangana; Rummy was no longer a game of skill as it involved luck and chance partly. He concluded by stating that he was a law abiding officer and never violated any Court order. He however tendered his unconditional apology in the event the Court came to the conclusion that he had violated the order.

13. In his reply affidavit dated 13.12.2017 filed in response to the counter-affidavit of the first respondent, the President of the petitioner resort stated as follows: The first respondent had filed identical counters not only in this contempt case but in the subsequent contempt case, bearing C.C.No.2077 of 2017, but he did not specifically deny the allegations made in C.C.No.1181 of 2017. The allegation that the petitioner resort had failed to comply with the order dated 02.11.2015 passed in W.P.No.33556 of 2015 was denied. Initially, the petitioner resort installed 16 C.C. cameras covering the entire recreational activities and more particularly, the card rooms, but thereafter, 35 C.C. cameras were installed voluntarily at all vantage points and remote peripheral areas also, without any specific demand from the police. The third raid out of the series of raids by the police was on 08.04.2017 and one ACP (Rural), one CI (Rural), one SI (Rural), 20 District Home Guards, two Gunmen, six Police Constables, ten Police personnel along with videographers and cameramen searched the entire premises of the resort for a period of two hours. At the end of the search, the police officers sat in a corner room and prepared a notice. But the petitioner resort gave its detailed reply dated 20.04.2017 denying all the allegations made in the said notice. As per the statement dated 16.04.2017 of Guru Technologies, the internet provider, the C.C. camera live coverage was available without interruption

except for two hours on 08.04.2017, due to electricity shut down in Karimnagar.

a. Separate letters dated 24.11.2015 were addressed to the Superintendent of Police and the Circle Inspector of Police, Karimnagar, with regard to installation of C.C. cameras, duly furnishing the IP address, username and password and the offices of the Superintendent of Police and the Circle Inspector of Police duly acknowledged the receipt of these letters. He then referred to the fourth raid which was conducted on 21.05.2017 and the notice issued thereafter, evoking the petitioner-resort's reply dated 25.05.2017. He put the police to strict proof of the petitioner resort using the order of the High Court to falsely advertise and propagate their illicit business with the rich and the people who were in the habit of playing 3 cards game in the local area. He asserted that the petitioner resort complied with the directions of the High Court strictly by allowing only its members to play 13 cards game of Rummy in the card rooms which were specifically earmarked for the purpose.

b. According to him, only four rooms in Block A and two rooms in Block B were earmarked for playing cards and in each room 2 or 3 tables were arranged. Eleven C.C. cameras were installed covering the entire card play area in the allotted rooms. He further stated that for the last two years, after the Court order, the total number of members playing 13 cards Rummy in the premises never exceeded 35 to 40 people. In all the four police raids during the period of the present Police Commissioner, the same number of players were availing the resort facility. He pointed out that letter dated 08.03.2017 filed by the Commissioner, the first respondent, revealed that the authors thereof did not belong to any

Mahila Sangham (women's organization) but they were identified as affiliates of political parties. No addresses were furnished against any of their names and it was not normal that 11 women belonging to six parties should come together to submit one signed letter directly to the Commissioner of Police, without approaching either the District Collector or the concerned Minister.

c. According to the newspaper version, these ladies did not name the petitioner resort but mentioned pekata sibiralu (gambling dens). As regards the allegation of the first respondent that the petitioner resort permitted heavy betting in the ongoing IPL tournament, the President stated that it was baseless and totally false and had been invented for the purpose of making allegations against the petitioner resort. He pointed out that when police conducted a raid on 20.05.2017, there was no IPL match and no evidence was placed on record to substantiate this allegation. He also denied the allegation that non-members were permitted to participate in gaming activities and asserted that the petitioner resort catered only to selected and screened members who were allotted printed identity cards. He also denied the allegation that the petitioner resort was collecting money in the range of Rs.50,000/- and Rs.1,00,000/- and asserted that this allegation was made to prejudice the Court. He claimed that the fee was limited to Rs.10,000/- to Rs.20,000/- for two years, which would work out to Rs.400/- to Rs.800/- per month. He then referred to the raid on 20.07.2017, which was the subject matter of C.C.No.2077 of 2017.

d. The President stated that he came to know that the notice ordered in the first contempt case was served upon the first respondent on

16.07.2017 and upon the second respondent on 17.07.2017 and even before service of notice, the third respondent filed his counter-affidavit having advance knowledge of the filing of the contempt case. The last raid was thereafter conducted on 18.07.2017 with a big force.

e. The details of this raid as set out are more relevant to C.C.No.2077 of 2017 and shall be dealt with hereafter. As regards the averment of the first respondent that a raid was conducted in the year 2013, the President stated that the petitioner resort started only in the year 2015 and in the year 2013, the club was not even constructed as would be evident from the records. Even before such construction, two beat constables jumped into the area of the petitioner resort in an inebriated condition and thereafter ran away. This fact was reported in Eenadu newspaper as if the club was raided and that was what was mentioned in the writ affidavit in W.P.No.33556 of 2015. He further stated that the police would always be at liberty to register cases against clubs if they found any incriminating evidence with regard to unlawful activities. But the action of the respondents herein was in gross violation of the order passed in W.P.No.33556 of 2015 and therefore amounted to clear contempt.

f. The President further stated that there could be no dispute with regard to police exercising statutory power but such power would have to be in accordance with law. However, in the case on hand, there was ample evidence that the police committed gross violation of the Court order, apart from adopting illegal methods. He further stated that the allegation that the petitioner resort threatened the police not to enter into the resort premises taking umbrage of the order passed by the Court was totally false. He further pointed out that at no point of time did the police

claim that they had conducted a raid at the petitioner resort in exercise of power conferred by Ordinance No.4 of 2017 dated 17.06.2017 and prayed for punishment of the respondents for willfully disobeying the order dated 02.11.2017 passed in W.P.No.33556 of 2015.

14. In his reply affidavit dated 14.12.2017 filed in response to the counter affidavit of the third respondent, the President of the petitioner resort reiterated what he had stated in his reply affidavit filed in response to the counter affidavit of the first respondent. He further stated that the petitioner resort was one of the popular resorts in South India and more particularly, in Telangana, and asserted that many reputed companies had joined it and conducted their official meetings, conferences, etc., in its premises. Many reputed companies were stated to have availed the facilities provided by the petitioner resort which was said to be on par with clubs like Nizam club, Secunderabad club, Film Nagar club, Jubilee Hills club, etc., located in Hyderabad and Secunderabad, which were allowed to have similar activities including the playing of 13 cards Rummy game. He concluded by stating that the police had conducted an unprecedented series of raids while the members of the petitioner resort were playing 13 cards Rummy game and terrorized them. He accordingly prayed for punishment of the respondents as they had willfully disobeyed the order dated 02.11.2015 passed in W.P.No.33556 of 2015.

15. The President of the petitioner resort filed reply affidavit dated 08.03.2018 in response to the counter affidavit filed by the second respondent. Therein, he reiterated the contents of his other reply affidavits referred to *supra*.

C.C.No.2077 of 2017:

16. This contempt case was filed on 13.09.2017 and represented on 19.09.2017, after due compliance with office objections. In the affidavit filed in support of this contempt case, the President of the petitioner resort, while reiterating the contents of the affidavit filed in support of C.C.No.1181 of 2017, stated as follows: In the fifth raid conducted on 18.07.2017, members of the petitioner resort were playing 13 cards Rummy game, but as per the first information report and remand case diary, the players were allegedly found playing three cards game in the following card rooms.

Floor No.	Block No.	Room No.	Number of players
2 nd floor Main building	"A"	3	6
2 nd floor Main building	"A"	3	6
2 nd floor Main building	"A"	2	5
2 nd floor Main building	"A"	4	5
Ground floor	"B" (Wrongly mentioned as "C-B" block in the FIR and Remand Case Diary)	1 st table	6
Ground floor	"B" (Wrongly mentioned as "C-B" block in the FIR and Remand Case Diary)	2 nd table	5

17. According to the President, the C.C. cameras installed in the card rooms were being operated without interruption except for 2 to 3 hours due to a technical snag on the part of the internet provider in April, 2017. The C.C. camera live coverage never went off during the last two years. He pointed out that during the tenure of the then Superintendent of

Police, Karimnagar, viz., Sri Joel Davis, from November, 2015 to October, 2016, the police never alleged any illegalities or violation of the order dated 02.11.2015 passed in W.P.No.33556 of 2015 even though they conducted inspection of the petitioner resort after 02.11.2015 a number of times. He again asserted that it was only after the first respondent took charge that trouble started in October, 2016. The President then pointed out that after he filed C.C.No.1181 of 2017 alleging willful disobedience to the order dated 02.11.2015 in W.P.No.33556 of 2015, notice before admission was ordered therein on 07.07.2017 and the first respondent received the notice on 16.07.2017 while the second and third respondents did so on 17.07.2017. The third respondent filed a counter affidavit on 13.07.2017 in C.C.No.1181 of 2017 even before service of notice upon him. The first and second respondents intentionally did not choose to file their counter-affidavits even thereafter. After receipt of the notice in C.C.No.1181 of 2017 on 16.07.2017, the first respondent seems to have been totally prejudiced and developed a grudge against the petitioner resort. He accordingly engineered the fifth raid on 18.07.2017. The President stated that he was not present in Karimnagar on that day as he was at Hyderabad but was informed by the staff of the resort. The fifth raid was an unprecedented one. The force deployed in the fifth raid comprised 7 vehicles, 130 armed and civil police personnel drawn from 19 police stations. The following police personnel were stated to have participated in this raid:

1. Y.Krishna Reddy, SI of Police, PS, LMD Colony.
2. A.Indrasena Reddy, SI of Police, PS, Manakondur.
3. B.Koteswar, SI of Police, PS, Ganneruvaram
4. G.Thirumal, SI of Police, PS, Karimnagar Rural

5. V.Venkateshwarlu, SI of Police, PS, Karimnagar Rural
6. T.Karunakar Rao, CI of Police, Thimmapur.
7. Ch.Ramesh, CI of Police, Choppadandi.
8. G.Vijay Kumar, Inspector of Police, KNR-III Town.
9. K.Shashidhar, Inspector of Police, PS, Karimnagar Rural.

18. Apart from the above personnel, videographers and cameramen were also brought along with lock-breaking tools, hammers, etc. The C.C. cameras and DVR (Digital Video Recorder) boxes were successfully broken and the hard discs were taken away. The raid started at 8.00 PM and continued till 11.00 PM followed by the arrest of 33 members and the Manager of the resort. Several civilian police infiltrated the entire premises of the resort and monitored how to cordon the entry points. The police were well aware that the total registered players playing 13 cards Rummy would not be more than 33 members at any point of time and this was the figure which was confirmed by the police earlier. However, they did not spare any service unit of the resort during the fifth raid and took over the entire resort. They rampaged over and ransacked the entire complex and broke open locks of the generators also. The raid was a sequel to Contempt Case No.1181 of 2017. The police attacked the resort in this unprecedented manner and connived to foist a false case of illegally playing 3 cards game against the members of the petitioner resort though they were found playing 13 cards Rummy game with stakes. The police planted material brought by them and enacted the preplanned drama of 3 cards game being played, as directed by the first respondent. The President claimed that he was told that the police threatened the members and they were forced to sit around the table and the police themselves placed money and cards on the table. The police personnel

who conducted the raid seized the cell phones of all the members and employees of the resort. The President further stated that he was told that after completion of the high drama, the police personnel informed the Print and Electronic media to cover the events, stating that the members of the petitioner resort were playing 3 cards game.

19. Thereafter, the Print and Electronic media came to the resort and shot the entire false scenes created by the police. In order to establish the bonafides of the petitioner resort, its Manager requested the Chief Editors of ABN Andhra Jyothi channel and HMTV channel to provide video footage covered by them at the relevant point of time. Their offices accordingly supplied video clippings which clearly show installation of C.C. cameras in the card rooms where the police foisted a false case against the members alleging that the President and his Manager were allowing playing of 3 cards in the resort where C.C. cameras were not there. The President asserted that the photographs and video clippings which were obtained from the channels would demonstrate that the police had intentionally planted incriminating material in order to register a false case against them. He pointed out that the police had brought multi-coloured cards - blue, green, red and yellow, of cheap variety and the players would not touch such cards. He further stated that currency would be thrown on the table with a pile of notes in the centre. But to the contrary, the police kept money bundles in the centre. Further, according to the President, sticks and coins would not be used for playing 3 cards and would be used only for playing 13 cards Rummy. He stated that the Inspector of Police, Karimnagar Rural Police Station, the third respondent, *suo motu* registered Crime No.295 of 2017 dated 19.07.2017 at 00:15 hours

alleging that the members and he along with his Manager had committed offences under Sections 3 and 4 of the Act of 1974.

20. The President pointed out that the raid was conducted on 18.07.2017 from 8.30 PM to 11.30 PM. The remand case diary dated 19.07.2017 at 00:15 hours filed by the third respondent showed that 35 persons, including the Manager of the resort, were arrested on 18.07.2017. The President claimed that he was told that the police had put them in a lock-up at the police station through out the night and produced them before the jurisdictional Court on the next day evening. In the remand report, it was mentioned that he, the President, was absconding. Thereafter, the police served a notice on 22.07.2017 upon him under Section 41A CrPC. He pointed out that the police could have followed the same procedure in respect of the other accused. He further stated that A3 to A35, who were members of the petitioner resort, were named as gamblers and an amount of Rs.7,97,360/- was allegedly seized from the card rooms. He pointed out that in the FIR and the remand case diary, the police had not furnished the details of the money seized, i.e., with regard to what extent of the amount was seized individually from those who were found playing 3 cards. He claimed that the Manager of the resort told him that the police had brought huge money from all the counters of the resort and also seized the money purses of the members. On 18.07.2017, the third respondent arrested the members arrayed as A2 to A35 by issuing arrest memos, instead of following Section 41A CrPC, in violation of the law laid down by the Supreme Court in ARNESH KUMAR V/ s. STATE OF BIHAR¹. He further pointed out that as per Sections 3 and 4 of the Act of 1974, the punishment would not be in excess of one

¹ (2014) 8 SCC 273

month for the first offence, three months for the second offence and six months for the third or subsequent offence.

21. The President claimed that the C.C. cameras linkage given to the jurisdictional police was very much in working order on that day and he obtained a report from the internet service provider in that regard. He claimed that the police must have verified the live streaming before they came to the petitioner resort for conducting the raid with malicious intention and had there been any gambling activity, they could have preserved the same and downloaded it on 18.07.2017 itself. He pointed out that access was given to the jurisdictional police as well as the first respondent to watch the activities of the petitioner resort online and asserted that the sequence of events clearly demonstrated that the police had willfully and deliberately planted incriminating material and created a scene as if the members of the petitioner resort were playing 3 cards. He asserted that the respondents had committed blatant violation of the first direction in the order dated 02.11.2015 in W.P.No.33556 of 2015 after receiving notice of filing of the earlier contempt case. The nonchalant conduct of the respondents in utterly disregarding the Court order and the brazen violation of the same, *per* the President, seriously damaged the fabric of the rule of law and brought down the majesty of the Court. He asserted that the respondents ought not to have resorted to the extreme step of a false raid when the earlier contempt case was *sub judice*. He further asserted that the respondents were remorseless and had indulged in serious violation of the order by creating false evidence. He further stated that the card rooms in the petitioner resort would not be categorized as gaming rooms or a gaming house as long as 13 cards

Rummy game was played by the members. He categorically stated that the police had deliberately and willfully violated Direction No.1 in the order dated 02.11.2015 in W.P.No.33556 of 2015 and their conduct clearly showed that they had tried to overreach the said order by planting incriminating material and foisting a false case and had thereby willfully committed contempt deserving severe punishment.

22. He further stated that upon his enquiry, he came to know that after conducting the raid on 18.07.2017, the police forcibly took confession-cum-recovery panchanamas from the members of the petitioner resort by adopting coercive methods. The confession panchanama of the Manager of the petitioner resort would show that he had not confessed to anything. He further pointed out that the panchas were not independent witnesses of that locality but were brought by the police. They were Village Revenue Officers of Mogdumpur, Elabotharam, Bommakal, Parlapalli, Kothapalli, a Veterinary Assistant Surgeon, VPC. He alleged that these panchanamas were a stage managed drama so as to foist a false case. He further stated that he had come to know that the police approached the Revenue Divisional Officer, Karimnagar, to take steps against the petitioner resort by invoking Section 133 CrPC but the Revenue Divisional Officer, Karimnagar, did not succumb to their pressures. He further asserted that the police had committed offences punishable under Sections 196, 204, 218, 219, 220 and 348 IPC apart from violation of Section 41A CrPC. He reserved his right to take appropriate steps to prosecute the erring police officials who were involved in this false raid. He concluded by reiterating his earlier prayer for punishing the respondents under the Contempt of

Courts Act, 1971 (*for brevity*, 'the Act of 1971') for willful and deliberate violation of the order dated 02.11.2015 passed in W.P.No.33556 of 2015.

23. Photographs were filed in proof of 13 cards Rummy game having been played on 18.07.2017 between 6.35 PM and 7.15 PM. Significantly, one photograph shows the score sheet of 13 cards Rummy game along with blue and purple tokens and four packs of cards in pink colour. The hand of a man wearing a brown shirt is also visible. During the hearing of this contempt case, as the proceedings were being watched by M.Satish, Sub-Inspector, Liaison Officer, Karimnagar, he was asked to verify as to whether the man in the photo was a police official. M.Satish admitted that the hand visible in the photo was that of a police officer. Another photo indicates the presence of the second and third respondents at a table where cards of yellow and red colour were placed along with one Rs.2,000/- note and bundles of different currency. The photograph shows the presence of a CCTV camera on the right hand top. The photograph also shows the presence of a long stick which, according to the petitioner resort, is only used while playing 13 cards Rummy game. Another photograph shows a room with green coloured walls in which a C.C. camera is installed adjacent to the split air conditioner unit. The board affixed on the wall puts people on notice that the room was under CCTV monitoring. One photograph shows two people sitting at a table and cards in red and yellow colour are placed before one gentleman while another man who is not seen is throwing currency notes on the table. In the next photograph, the very same two people are visible and the third respondent is seen sitting with them. The bundle of currency is next to his hand and not at the centre of the table and a stick which is stated to be

used while playing 13 cards Rummy game is also seen on the table. Another photograph shows a background wall in green colour with two people sitting at a table with their faces covered. The playing cards on the table are in light and dark green colour and sets of three cards are spread out over the table apart from sets of more number of cards. The stick stated to be used while playing 13 cards Rummy game is also there on the table along with bundles of currency notes and tokens in red and violet colour. Another photograph shows people standing around a table on which yellow and red cards are thrown. The President of the petitioner resort states that neither the blue and red cards nor the light and dark green cards belonged to it. A large bundle of currency notes is placed in the centre of the table and according to the President, this was brought from a cash counter of the resort. Another photograph shows bundles of currency on a table along with some playing cards in pink colour. The currency notes range from Rs.2,000/- to Rs.500/- to Rs.100/- to Rs.50/- to Rs.20/- and Rs.10/-. Significantly, the figure noted on the Rs.10/- bundle is 200 meaning to state only 20 notes. Another photograph shows a DVR box which is opened and wires are pulled out. One photograph shows the second respondent standing in front of the vandalized DVR box and speaking into the microphones of ABN Andhra Jyothi and HMTV. Significantly, one photograph shows police officers in uniform standing around without wearing their name plates. Upon enquiry, the learned Government Pleader for Home informed this Court that one such officer was Karunakara Rao, CI of Lower Manair Dam, and another is Y.Krishna Reddy of Lower Manair Dam Colony Police Station. One more photograph shows that one Indrasena Reddy, SI, Manakonduru, and one Billa

Koteswara Rao, CI, Manakonduru, are not wearing name plates though they are in uniform. Another photograph filed by the petitioner resort shows that one Kumaraswamy, RSI, though in uniform, did not wear a name plate and in this photograph, a C.C. camera is visible at the false roofing level above the door. All these officers were identified by the learned Government Pleader, upon instructions.

24. Remand case diary in FIR No.295 of 2017 on the file of the Karimnagar Rural Police Station is also placed on record, reflecting that an offence under Sections 3 and 4 of the Act of 1974 was registered at 00:15 hours on 19.07.2017 at the behest of K.Shashidhar, Inspector of Police, Karimnagar Rural Police Station, the third respondent. Thirty-four accused were named therein and were stated to be in custody and the President of the petitioner resort was shown as absconding. The witnesses are 15 in number and include the VRO, Mogdumpur; VRO, Elabotharam; VRO, Kothapalli; VRO, Kothapalli Mandal; a Veterinary Assistant Surgeon; VRO, Bommakal; the Sub-Inspectors of Police of LMD Colony Police Station, Manakondur Police Station, Ganneruvaram Police Station, Karimnagar Rural Police Station; and the Circle Inspectors of Police of Thimmapur and Choppadandi; along with the Inspectors of Police, KNR-III Town Police Station and Karimnagar Rural Police Station. The remand case diary records that it was a case of organized gaming in which A1 and A2, being the President and Manager of the petitioner resort, allowed the gamblers, A3 to A35, to play 3 cards on 18.07.2017 at 8.10 PM. L.W.15, the third respondent herein, was stated to have received reliable information that organized gambling, i.e., playing of 3 cards was going on, on a large scale in the rooms of the petitioner resort which was not connected/covered by

C.C. cameras and he accordingly obtained a Form 10 search warrant from the ACP, Karimnagar Rural, formed a team consisting of L.Ws.7 to 14 and rushed to the resort and raided the four rooms of A block and one room in B block and found 33 persons playing 3 cards by betting money in the rooms which were not covered/connected with C.C. cameras. The confessional statements of A2 to A14 were stated to have been recorded in the presence of L.Ws.1 and 2 and the confessional statements of A5 to A24, in the presence of L.Ws.3 and 4, while the confessional statements of A25 to A35 were recorded in the presence of L.Ws.5 and 6. Three hundred and twelve (312) playing cards from six gaming tables were seized along with net cash of Rs.7,97,360/-. During the course of investigation, the third respondent was stated to have effected arrest of A2 to A35 by issuing arrest memos informing about the particulars of arrest to them and their relatives and complied with the formalities of arrest. The remand case diary further records that if the accused were not arrested, there was every chance of repeating the offence and as such to prevent them from committing the offence further, Section 41A CrPC was not invoked and they were arrested. Reference was also made to the order dated 02.11.2015 and it was stated that by taking advantage of the said order, the resort management identified rich persons in the local area, who were interested and habituated to gaming, and gave them temporary membership by taking minimum amounts towards membership subscription for playing cards and was allowing them to play 3 cards instead of 13 cards Rummy game in the rooms of the resort which were not connected/covered by C.C. cameras. On 18.07.2017, on receipt of such information, the police party consisting of L.Ws.7 to 15 were stated

to have raided the resort and apprehended the Manager/A2 and gamblers/A3 to A35 in rooms 1 to 4 of A block and in one room of B-C blocks of the resort and seized a net cash of Rs.7,97,360/- along with playing cards from the gaming tables. The accused committed offences punishable under Sections 3 and 4 of the Act of 1974.

25. V.B.Kamalasan Reddy, Commissioner of Police, Karimnagar, the first respondent, filed a counter-affidavit in November, 2017. The contents thereof, which were already referred to in the narration in relation to C.C.No.1181 of 2017 are eschewed and his averments, only relevant to the extent of the fifth raid dated 18.07.2017, are set out hereunder. According to the first respondent, based on the raid conducted on 18.07.2017, FIR No.295 of 2017 was registered under Sections 3 and 4 of the Act of 1974 against the owner of the petitioner resort as Accused No.1 and the Manager of the resort as Accused No.2 along with 33 other players, A3 to A35. According to him, the raid, the registration of the FIR in Crime No.295 of 2017 on the file of Karimnagar Rural Police Station and the subsequent police action were all in strict accordance with the law. He further stated that basing on the representations of various Mahila organizations on 24.03.2017 about the illegal activities of the resort and also on reliable information received and as per the powers conferred on the police, *vide* Ordinance 4 of 2017 dated 17.06.2017, the police raided the petitioner resort on 18.07.2017. The photographs filed by the first respondent along with his counter show light and dark blue coloured cards on the tables along with bundles of currency notes ranging from Rs.2,000/- to Rs.500/- to Rs.100/- to Rs.20/- and Rs.10/-. These photographs showed that 3 cards were strategically placed before each

person sitting at the table along with photo ID cards and wallets. Significantly, CCTV cameras are visible in some of these photographs also.

26. Sri Tirupathi, Assistant Commissioner of Police, Karimnagar Rural, the second respondent, filed counter affidavit dated 22.02.2018. Therein, he repeated everything that was stated by the first respondent in his counter. According to him, the raids on the petitioner resort were conducted only in the course of maintaining law and order and exercise of statutory powers by the police. He asserted that the police were not obligated to reveal any source of information in detection of crime and denied that the representation of the women organizations was fictitious. He asserted that the petitioner resort was conducting illegal activities in the rooms which were not covered by C.C. cameras. He further asserted that the petitioner resort could not be allowed to conduct 13 cards Rummy game also as per the latest Ordinance issued by the State of Telangana. He concluded by stating that he had not violated the order dated 02.11.2015 passed in W.P.No.33556 of 2015 and that all his actions and proceedings were in accordance with law. He further stated that he has great respect for the Court and its orders and tendered his unconditional apology if this Court came to the conclusion that he had violated the order.

27. K.Shashidhar Reddy, Station House Officer, Karimnagar Rural Police Station, the third respondent, filed a counter affidavit reiterating what he had stated in his counter filed in C.C.No.1181 of 2017. He denied the allegation that the police had ransacked and gone on a rampage in the entire complex destroying C.C. cameras, hard drives, etc. He stated that basing on the representation of various Mahila organizations on

24.03.2017 about the illegal activities of the resort and also on receipt of reliable information and as per the powers conferred on the police, *vide* Ordinance 4 of 2017 dated 17.06.2017, the police raided the petitioner resort on 18.07.2017 and arrested 33 gamblers and seized Rs.7,97,360/-. He pointed out as per Ordinance 4 of 2017, an Explanation was added to Section 15 of the Act of 1974 which excluded 'Rummy' from the game of skill and therefore, the petitioner resort was not entitled to allow its members to play Rummy. He further stated that the petitioner was conducting gaming activities of 3 cards in the rooms which were not covered by C.C. cameras.

28. In his reply affidavit dated 07.12.2017 filed in response to the counter of the first respondent, the President of the petitioner resort reiterated what he had stated in his reply affidavits filed in C.C.No.1181 of 2017. In relation to the fifth raid on 18.07.2017, he stated that the raid started at 8.00 PM and continued till 11.00 PM, followed by the arrest of 33 members and the Manager. He further pointed out that it was not the case of the respondents that they had taken action by conducting the raid in exercise of powers conferred under Order 4 of 2017 dated 17.06.2017 and it was their specific case that the members of the petitioner resort were playing 3 cards and not Rummy.

29. Similar reply affidavits were filed by the President in response to the counters of the second and third respondents.

30. Sri V.Ravi Kiran Rao, learned counsel for the petitioner resort, would contend that the initial contumacious acts which were the subject matter of C.C.No.1181 of 2017 were compounded by the fifth raid conducted on 18.07.2017 after receipt of notices in C.C.No.1181 of 2017.

The police contingent of 130 personnel clearly manifested the intent and nature of this raid. The learned counsel would further argue that the police went about creating a false scenario so as to register a crime against the petitioner resort and its members and not being satisfied therewith, the police also arrested 33 members of the petitioner resort and subjected them to custody, ignoring the law laid down by the Supreme Court in ARNESH KUMAR¹, apart from Section 41A CrPC. Learned counsel would also point out that the manner in which the police went about conducting this raid, with scant regard to the prescribed procedure, added insult to injury. He would point out that wearing of name tags is compulsory as per Section 41B CrPC, but uniformed police men of high rank chose to flout it and were merrily going about violating not only the law of the land but also the order dated 02.11.2015 passed in W.P.No.33556 of 2015. He would further point out that though the remand case diary stated that relatives of the accused were informed, the same is a myth as the arrests were stated to have been effected at 11.15 at night. He would also point out that the offences, even if proved against the members of the petitioner resort, would involve imprisonment up to a maximum of six months only, though such a sentence would be attracted if it was a third offence and therefore, when the imprisonment was far lesser than seven years, the police were bound by the law laid down by the Supreme Court in ARNESH KUMAR¹. The learned counsel would further point out that Ordinance No.4 of 2017 does not even find mention either in the FIR or in the remand case diary and therefore, pressing the same into service in the counter affidavits is a clear afterthought. He would point out that the so-called confessional panchanamas were

unworthy of credence as the confessional panchanamas dated 18.07.2017 of Bethi Sudhakar Reddy, Pannala Lakpathi Reddy, Nalla Srinivas, Thatikonda Purushotham, Merugu Nagaraju and Adaboina Laxma Reddy stand discredited by the third party affidavits of Adaboina Laxma Reddy and Thatikonda Purushotham, wherein they stated as to what had actually happened on 18.07.2017 and no mention was made by them of their giving any voluntary confessions. Significantly, the so-called confessional panchanamas do not even bear the signatures of these persons but only the signature of two panchas, the VROs of Mogdumpur and Elabotharam, along with the Inspector of Police, Karimnagar Rural Police Station. He would point out that the so-called panchas were drawn from different places so as to form a team, which clearly indicated that the whole exercise was preplanned.

31. In response, Sri S.Sharat Kumar, the learned Special Government Pleader attached to the learned Advocate General, and the learned Government Pleader for Home, State of Telangana, contended that the *sine qua non* for invocation of the provisions of the Act of 1971 was the pleading that there was willful and deliberate disobedience in terms of Section 2(b) thereof, which defines 'civil contempt'. They would further submit that the proceedings, by their very nature, are quasi-criminal and unless willful disobedience to the order is clearly established, mere excesses by the police during the raid would not suffice to fulfill the requirements of the definition of 'civil contempt'. They would contend that the pleadings in these contempt cases are insufficient to make out any willful disobedience and assert that no specific allegation was even made in that regard. They would also assert that the police should be allowed to

discharge their functions in a free and fair manner and excesses in that regard should be ignored. They would also argue that the excess force, if any, used by the police during the raid cannot be clinchingly proved and therefore, such factual issues cannot be gauged or adjudicated upon in summary proceedings under the Act of 1971. They however have no response to the presence of the CCTV cameras in the photographs furnished, be it by the petitioner resort or by the police themselves. They also have no explanation as to why the uniformed police men were not wearing name tags as required by law. More significantly, they have no explanation to offer as to why the police had to resort to the arrest and taking into custody of 33 people in the dead of the night in relation to offences which, even if proved, would only attract up to a maximum of six months imprisonment.

32. They placed reliance on NIAZ MOHAMMAD V/s. STATE OF HARYANA², wherein the Supreme Court observed that a contempt case is not like an execution proceeding under the Code of Civil Procedure, 1908, and the Court, while considering the issue as to whether the alleged contemnor should be punished for not having complied with and carried out the direction of the Court, has to take into account all facts and circumstances of the case. Before the contemnor is punished for non-compliance, the Court must not only be satisfied about the disobedience but should also be satisfied that such disobedience was willful and intentional.

33. They also placed reliance on DEBABRATA BANDOPADBYAY V/ s. STATE OF WEST BENGAL³, wherein the Supreme Court observed

² (1994) 6 SCC 332

³ AIR 1969 SC 189

that a question whether there is contempt of court or not is a serious one as the Court is both the accuser as well as the Judge of the accusation. The Supreme Court further observed that it behoves the Court to act with as great circumspection as possible, making all allowances for errors of judgment and difficulties arising from inveterate practices in Courts and Tribunals and it is only when a clear case of contumacious conduct, not explainable otherwise, arises that the condemner must be punished. Punishment, *per* the Supreme court, under the law of contempt is called for when the lapse is deliberate and in disregard of one's duty and in defiance of authority.

34. In reply, Sri V.Ravi Kiran Rao, learned counsel, would point out that there is a clear pleading with regard to the alleged willful disobedience by the petitioner in the affidavits filed in support of the contempt cases. He would further point out that the order dated 02.11.2015 passed in W.P.No.33556 of 2015 still continues to hold the field and assert that it was not open to the police to act in violation thereof, be it on any count. He would further assert that all the arrested people were members of the petitioner resort whose addresses were available with the police, as is clear from the FIR itself, and therefore, there was no necessity whatsoever for the police to resort to arrest and custody of these people.

35. At the outset, it may be noted that the respondents attempted to take recourse to Ordinance 4 of 2017 dated 17.06.2017 to justify their actions. Thereby, the Act of 1974 was sought to be amended by adding Explanations to Section 15 thereof. One of these was Explanation III, which reads as follows:

‘Rummy is not a skill game as it is involved partly skill and partly luck or chance.’

36. However, the Telangana Gaming (Amendment) Act, 2017, which was introduced thereafter in the Telangana Legislative Assembly on 07.11.2017, repealing Ordinance 4 of 2017, did not make any attempt to add such an Explanation. Perusal of the Ordinance as well as the Amendment Act demonstrates that the thrust thereof was to address online gaming. In any event, the Amendment Act did not choose to bring in any amendment to the Act of 1974 in relation to Rummy not being a game of skill. Further, as rightly pointed out by Sri V.Ravi Kiran Rao, learned counsel, neither the FIR in Crime No.295 of 2017 nor the remand case diary contain any mention of Ordinance 4 of 2017, which was holding the field as on 18.07.2017. On the other hand, these documents clearly demonstrate that the raid and the arrests made pursuant thereto were in the context of the petitioner resort allowing playing of 3 cards game. The desperate attempt on the part of the respondents to rely upon Ordinance No.4 of 2017 is therefore liable to be rejected.

37. Further, perusal of the order dated 02.11.2015 in W.P.No.33556 of 2015 demonstrates that it was not an order limited to an isolated case. The said order merely reiterated the order passed in a batch of cases earlier. The specific direction contained therein was that the police were not to interfere with the card game of Rummy (13 cards game), whatever be the stakes. At the same time, the police were held entitled to enter into the premises of the petitioner resort for taking action as per law in the event there was any violation of the provisions of law by the petitioner resort and the petitioner resort was cautioned not to cause any hindrance to the police in exercise of their statutory powers. The petitioner resort was also required to install video cameras and provide connectivity with

the jurisdictional police station and the office of the Superintendent of Police. In the event gaming places were not covered by C.C. cameras, the police were left free to take action. In this regard, the letters dated 24.11.2015 addressed by the petitioner resort to the Superintendent of Police, Karimnagar, and the Circle Inspector, Rural Police Station, Karimnagar, clearly demonstrate that online access was provided to the police officials to the CCTV footage. No explanation is forthcoming from the respondents in any of their counters as to why they were unable to access this online CCTV footage. All the more so, when the online service provider, M/s.Gurus Technologies, Karimnagar, certified that except for a brief two-hour hiatus on 08.04.2017, on account of electricity shut down in entire Karimnagar town, the internet connection to all the C.C. cameras in the petitioner resort worked properly, without interruption. Further, as already pointed out *supra*, the photographs placed before this Court including those furnished by the police themselves demonstrate in no uncertain terms that CCTV cameras were installed in all the rooms in which cards games were allegedly played on 18.07.2017.

38. The feeble plea as to C.C.No.1181 of 2017 being barred by limitation needs mention only to be rejected. Merely because the order was passed on 02.11.2015 in W.P.No.33556 of 2015, it did not mean that the life of the said order was limited to one year. According to the petitioner resort, the erstwhile police regime in Karimnagar District found no violations and it was only after the advent of the first respondent upon the scene that things changed. The alleged violation of the order by the police thereafter led to the filing of C.C.No.1181 of 2017 in the first instance, followed by C.C.No.2077 of 2017. It is not the case of the

respondents that either of these cases was filed one year beyond the alleged violation of the order. Neither of these contempt cases is therefore barred by the law of limitation. The contention in this regard is accordingly rejected.

39. Perusal of the photographs placed on record reflects that currency of multiple denominations was placed on the tables and was allegedly found by the police in connection with playing of 3 cards. It is indeed inexplicable as to how bundles of currency ranging from Rs.10/- to Rs.2,000/- with all intermediary denominations of Rs.20/-, Rs.50/-, Rs.100/- and Rs.500/- were found in that condition and all such denominations would have been used. Significantly, the number of notes of Rs.10/-, Rs.20/- and Rs.50/- denomination is found to be much lesser. These facts lend support to the allegation of the petitioner resort that this money was brought from the cash counters of the petitioner resort and also from other sources so as to foist a case against the petitioner resort.

40. The fifth raid conducted on 18.07.2017 gains significance as the respondents in C.C.No.1181 of 2017 had already received the notices issued therein to them by then. Having been put on notice that they were facing contempt proceedings in relation to their alleged wilful disobedience to the order dated 02.11.2015 in W.P.No.33556 of 2015, it is indeed surprising that the second respondent is seen speaking to the media in the video, wherein he stated that 'he came to know' that the protection given to the petitioner resort by the High Court was in relation to the Rummy, 13 cards game, but they found 3 cards being played. This statement puts it beyond doubt that the second respondent was not even aware of what the order dated 02.11.2015 in W.P.No.33556 of 2015

actually said and he did not even bother to personally check as to what its contents were. He merely stated that he 'came to know' (telisinadhi) of the import of the said order. This conduct of the second respondent, the Assistant Commissioner of Police, is shocking to say the least.

41. The attempts made by the respondents to rely on the 'strong agitation by women's organisations' fall to the ground as the so-called letter dated 08.03.2017 addressed by 11 women does not project them as members of any women's organisation. As rightly pointed out by Sri V.Ravi Kiran Rao, learned counsel, it is difficult to believe that so many women from different political parties would have come together to submit such a representation to the first respondent without approaching the District Administration or the State political machinery. Further, the said representation does not project any grievance with regard to playing of 3 cards and merely speaks of gambling in card rooms, leading to devastation of families owing to financial bankruptcy.

42. Further, the remand case diary makes for an interesting reading. The third respondent allegedly received reliable information of organized gambling, i.e., playing of 3 cards, going on, on a large scale in the petitioner resort, in the rooms which were not covered by C.C. cameras, but there is no indication as to the time at which he received the information, whereby he would have had sufficient time to gather a team of Village Revenue Officers from different Villages and Mandals in Karimnagar District, apart from the Sub-Inspectors of Police and Circle Inspectors of Police from different police stations. Significantly, there is no denial of the allegation of the petitioner resort that a 130 strong police team descended upon the petitioner resort on 18.07.2017 at 8.00 PM.

Further, the very fact that the police came equipped with a vehicle large enough to accommodate 34 people, the members and the Manager arrested from the petitioner resort, clearly demonstrates that it was premeditated and pre-planned from the start.

43. Further, the photographs placed on record clearly demonstrate that there was manipulation and introduction of false evidence by the police. As already pointed out *supra*, there is no explanation forthcoming for the wide range of currency available on the tables and the currency of lesser denomination being lower in number. This clearly indicates that this cash was introduced on the tables as an afterthought. Further, the Rummy score sheets appearing on the table are not explained, as it is the case of the police that all 33 members playing in the card rooms at that time point of time were only playing 3 cards and not Rummy. However, the Rummy score sheet specifically mentions the time and date of the game, i.e., 18.07.2017, from 6.35 PM to 7.15 PM. There is also no explanation forthcoming about the presence of the stick which is stated to be used while playing Rummy. More significantly, the respondents have no explanation to offer as to how the photographs filed by them indicate the presence of CCTV cameras. All the more so, when it is their specific case that the resort was allowing playing of 3 cards in the rooms not covered by CCTV cameras. The specific allegation in the third party affidavits is that the members of the petitioner resort brought it to the notice of the police that CCTV camera footage would indicate that they were playing Rummy and thereupon, the police themselves vandalised the digital video recorder box. The discrepancy in the stand of the police stands testimony to the truth underlying this statement.

44. That apart, there is no getting over the fact that uniformed police men deliberately ignored the mandate of Section 41B CrPC which requires every police officer while making arrest to bear an accurate, visible and clear identification of his name. When the arrest of the 33 members and the Manager of the petitioner resort was effected by several uniformed police men, it was incumbent that each of them complied with the mandate of Section 41B CrPC. However, the photographs placed before this Court demonstrate that there was a clear violation in this regard. More significantly, the respondents have no cogent or valid explanation as to why they had to arrest these 33 members and the Manager when the offences alleged against them, being ones under Sections 3 and 4 of the Act of 1974, did not entail imprisonment over and above six months in any event. The only reason offered by the third respondent in the remand case diary is that if the accused were not arrested, there was every chance of their repeating the offence and therefore, to prevent them from committing the offence again, Section 41A CrPC was not invoked. Be it noted that the offence of playing 3 cards is not a heinous offence. That apart, arrests were effected in the middle of the night of 18.07.2017. Admittedly, these accused persons were kept in custody till the next day evening after the harrowing experiences that they had to face.

45. It is also difficult to believe that these accused persons, had they been let off at 12.15 AM in the middle of the night, would have immediately resorted to playing of 3 cards again, even if the version of the police is to be believed. This excuse, on the face of it, falls flat and does not satisfy the mandate of Sections 41 and 41A CrPC. Be it noted that Section 41A(3) CrPC authorises the arrest of a person even if he

complies with the notice issued under Section 41A(1) CrPC for reasons to be recorded as to why he ought to be arrested. The so-called reason offered by the third respondent in the remand case diary falls woefully short, given the nature of the offence alleged, the imprisonment that would follow, even if found to be true, and the law laid down by the Supreme Court in ARNESH KUMAR¹. Being aware of the fact that this Court was seized of C.C.No.1181 of 2017, the respondents could not have been unmindful of the law and the requirements thereof when they resorted to the last raid on 18.07.2017 and the consequential arrests that followed, resulting in 33 members of the petitioner resort being in custody till the next day evening. This measure which was brazenly adopted by the respondents, even after receipt of the notices in C.C.No.1181 of 2017, leaves this Court in no doubt that the respondents wanted to send out a strong message to the petitioner resort. It is unfortunate that the first respondent, being no less than the Commissioner of Police, Karimnagar District, adopted such measures to assert his supremacy notwithstanding the requirements of law. The sheer largeness of the contingent of police which went to the petitioner resort on 18.07.2017 clearly indicates that the said raid was a counter-blast to the filing of C.C.No.1181 of 2017. The abuse of power by the respondents, being members of a uniformed service, is therefore demonstrable in clear terms.

46. It may also be noted that the case of the police is that the petitioner resort allowed playing of 3 cards in five rooms in the resort. However, the petitioner's allegation that on 18.07.2017, the police entered into every nook and corner of the resort and subjected all the customers and members in different sections of the resort to harassment was not

even denied. If it was the case of the respondents that only gaming activity was in violation of the law, in terms of playing of 3 cards, the '130 strong contingent' which went to the resort ought to have concentrated upon only those five rooms. However, it is alleged that they went all over the resort and subjected every member and person present therein to physical harassment and humiliation. The silence on the part of the respondents in this regard speaks for itself.

47. Be it noted that in TAPAN KUMAR MUKHERJEE V/ s. HEROMONI MONDAL⁴, while observing that if it is a case of only inadvertence rather than deliberate disobedience it would not be a fit case for exercise of contempt jurisdiction, the Supreme Court emphasized that officers of the Government should exercise utmost vigilance in complying with Courts' orders and though, in the circumstances of that case, with a certain degree of reservation, the benefit of doubt was extended to the appellant, the Supreme Court said that it would like to add a warning that where a case of willful disobedience was made out, the Courts would not hesitate and would convict the delinquent officer and no lenience in the Court's attitude should be expected as a matter of course merely on the ground that an order of conviction would damage the service career of the concerned officer.

48. In JOGINDER KUMAR V/ s. STATE OF U.P.⁵, it was observed that no arrest can be made merely because it was lawful for the police officer to do so, as existence of the power to arrest is one thing but the justification for the exercise of it is quite another. The police officer must be able to justify the actual arrest, apart from his power to do so, as

⁴ (1991) 1 SCC 397

⁵ AIR 1994 SC 1349

arrest and detention in police lock-up of a person can cause incalculable harm to his reputation and self-esteem. The Supreme Court held that no arrest can be made in a routine manner on a mere allegation of commission of an offence and it would be prudent for a police officer in the interest of protection of the Constitutional rights of a citizen and perhaps in his own interest that no arrest should be made without reasonable satisfaction reached after some investigation as to the genuineness and *bonafides* of a complaint and a reasonable belief both as to the person's complicity and even if so, as to the need to effect arrest. The Supreme Court further observed that except in heinous offences, an arrest must be avoided if a police officer issues notice to person to attend the Station House and not to leave station without permission. It was further observed that the right of the arrested person to have someone informed was a right inherent in Articles 21 and 22(1) of the Constitution and required to be recognized and scrupulously protected. For effective enforcement of these fundamental rights, the Supreme Court issued the following requirements:

‘(1) An arrested person being held in custody is entitled, if he so requests to have one friend relative or other person who is known to him or likely to take an interest in his welfare told as far as is practicable that he has been arrested and where is being detained.

(2) The Police Officer shall inform the arrested person when he is brought to the police station of this right.

(3) An entry shall be required to be made in the Diary as to who was informed of the arrest. These protections from power must be held to flow from Arts.21 and 22(1) and enforced strictly.’

49. Be it noted that it was pursuant to this judgment that Section 41A CrPC was introduced in the statute.

50. In ARNESH KUMAR¹, the Supreme Court observed that arrest brings humiliation, curtails freedom and casts scars forever and lawmakers know it, so also the police, and the need for caution in exercising the drastic power of arrest has been emphasized time and again by the Courts but has not yielded the desired result and the power of arrest is one of the lucrative sources of police corruption. It has become a handy tool to the police officers who lack sensitivity or act with oblique motive. The Supreme Court held that if the provisions of Section 41 CrPC were scrupulously enforced, the wrong committed by police officers intentionally or unwittingly would be reversed and in order to ensure this, the Supreme Court gave the following directions:

11.1. All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41 CrPC;

11.2. All police officers be provided with a check list containing specified sub-clauses under Section 41(1)(b)(ii);

11.3. The police officer shall forward the check list duly filled and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;

11.4. The Magistrate while authorizing detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorize detention;

11.5. The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of Police of the district for the reasons to be recorded in writing;

11.6. Notice of appearance in terms of Section 41-A CrPC be served on the accused within two weeks from the date of institution of the case, which may be extended by the

Superintendent of Police of the district for the reasons to be recorded in writing;

11.7. Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before the High Court having territorial jurisdiction.

11.8. Authorizing detention without recording reasons as aforesaid by the Judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.'

51. The Supreme Court concluded by adding that the directions should not only apply to the cases under Section 498A IPC or Section 4 of the Dowry Prohibition Act, 1961 but also to cases where the offence is punishable with imprisonment for a term which may be less than seven years or which may extend to seven years with or without fine. A copy of this judgment was directed to be forwarded to all the Directors General of Police of all the State Governments for ensuring compliance.

52. In *RINI JOHAR V/ s. STATE OF MADHYA PRADESH*⁶, the Supreme Court observed that the accused in custody can be put under tremendous psychological pressure by cruel, inhuman and degrading treatment and the same would amount to harassment, which would include torment and vexation apart from humiliation. In the facts of that case, the Supreme Court held that the petitioners before it were compelled to face humiliation and were treated with an attitude of insensibility by the erring police officials who had violated not only the guidelines issued in *D.K.BASU V/ s. STATE OF WEST BENGAL*⁷ but also the mandate of law enshrined under Section 41 CrPC and Section 41A CrPC. The Supreme Court observed that such police officers could in no

⁶ (2016) 11 SCC 703

⁷ (1997) 1 SCC 416

circumstances be permitted to flout the law with brazen proclivity. Taking into account the suffering and humiliation faced by the petitioners, the Supreme Court granted them Rs.5,00,000/- each towards compensation, leaving it open to the State to proceed against the erring officials, if so advised.

53. Applying the legal principles culled out from the above case law and on the analysis set out *supra*, this Court finds that the respondents clearly abused their power and in doing so, they deliberately chose to violate the directions of this Court in the order dated 02.11.2015 in W.P.No.33556 of 2015. The said order required them not to interfere with the playing of Rummy (13 card game), be it with whatever stakes, but the facts on hand clearly demonstrate that though Rummy was being played, the respondents chose to portray it as if 3 cards game was being played and introduced evidence to support this foisted case. Such action on the part of members of a uniformed service needs to be condemned in no uncertain terms. The acts committed by the respondents therefore constitute wilful and deliberate acts of disobedience to the order passed by this Court in W.P.No.33556 of 2015.

54. The contempt cases are accordingly allowed holding that the respondents committed civil contempt, by their various actions and more particularly, the last raid conducted on 18.07.2017 and the arrests that followed thereafter. The respondents are accordingly sentenced to civil imprisonment for six months each in accordance with the due procedure as set out in Rule 32 of the A.P. High Court Rules under the Contempt of Courts Act, 1971 apart from paying a fine of Rs.2,000/- (Rupees Two Thousand only) each. The subsistence allowance per head is fixed at

Rs.400/- (Rupees four hundred only) per day. An entry shall also be made in their service records as to the punishment imposed upon them. It shall be open to the State to proceed against the respondents and the other police officers departmentally in relation to their attempts to foist a false case and also for violation of mandatory procedures. In the circumstances, the respondents shall each pay exemplary costs of Rs.10,000/- to the Telangana State Legal Services Authority, Hyderabad.

55. As the respondents are statutorily entitled to test this order in appeal and its execution forthwith would adversely affect them, this Court deems it appropriate to suspend the operation of this order for four weeks from today to enable them to invoke the appellate remedy available to them in accordance with law, if they so choose.

27th SEPTEMBER, 2019

Svv

SANJAY KUMAR, J

