

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MA No. 3 of 2020**

1. Shri Sunil Agarwal S/o Late Shri L.N. Agarwal Aged About 68 Years R/o 1/45, Motilal Nehru Nagar (East), Police Station Supela, Bhilai, District Durg Chhattisgarh.
2. Smt. Rekha Agarwal W/o Shri Sunil Agarwal Aged About 65 Years R/o 1/45, Motilal Nehru Nagar (East), Police Station Supela, Bhilai, District Durg Chhattisgarh.

---- Appellants**Versus**

1. Shri Lallan Singh Sub Inspector, Police Station Supela, Bhilai, Through Superintendant Of Police, District- Durg Chhattisgarh.
2. Shri Rampal Singh Thakur Assistant Sub Inspector, Police Station Supela, Bhilai, Through Superintendant Of Police, District- Durg Chhattisgarh.
3. Smt. Kamla Yadav Assistant Sub Inspector, Police Station Supela, Bhilai, Through Superintendant Of Police, District- Durg Chhattisgarh.
4. Smt. Ruhi Agrawal W/o Shri Nimish Sunil Agarwal Aged About 34 Years D/o Vijay Agrawal, Resident Of Plot 70g, Satyam Shivam Sundaram, Street No. 3, Deepak Nagar, Police Station Mohan Nagar, Durg Chhattisgarh.
5. Shri Dilip Sasodiya Town Inspector, Police Station Supela, Bhilai, Through Superintendant Of Police, District- Durg Chhattisgarh.

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- Shri Manoj Paranjpe, Advocate for the appellant.
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D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order on Board****Per Manindra Mohan Shrivastava, J.****17.01.2020**

Heard on IA No. 3 application for condonation of delay in filing the appeal.

2. For the reasons stated in the application, it is allowed and the delay is hereby condoned.

3. This appeal is directed against order dated 14.01.2019 passed by learned Single Judge in CONT Case No. 23 of 2019 by which the contempt petition has been dismissed as barred by limitation.

4. Learned counsel for the appellant would submit that in the spirit of provision contained in Section 20 of the contempt of Courts Act, the period of limitation for filing contempt petition ought to be reckoned from the date of disclosure of information to the appellants by the Police on 24th of June, 2018 that no offence under Section 377 IPC was registered against the appellants.

5. We are afraid, the submission of learned counsel for the appellants would have no material bearing on the running of period of limitation. Apparently and as has been observed by learned Single Judge, the alleged act of contempt is arrest of the appellants on 07.05.2016 which is said to be in violation of the directions issued by the Supreme Court in the case of Arnesh Kumar Vs. State of Bihar and anr in SLP (Crl.) No.9127/2013 (Arises out of Criminal Appeal No.1277 of 2014). The submission of learned counsel for the appellant, if accepted, would amount to taking into consideration any intervening circumstances to defer running of the period of limitation, which in are considered opinion, is not permissible under the law.

6. Therefore, no case is made out for interfering with the order passed by learned Single Judge and this appeal is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge