

10th February,
2022
(AK)
39-40

CPAN 996 of 2021
With
WPA 15386 of 2021
(Via Video Conference)

Sk Raju
Vs.
Sukhomoy Chakraborty

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
...for the petitioner.

Mr. Subhabrata Dutta
...for the State.

Learned counsel for the alleged contemnor submits that on the appointed date and time, the police authorities were ready with battalions of Rapid Action Force (RAF), lady constables and other officials, for making arrangements to accompany the petitioner safely to the petitioner's residence.

However, subsequently the petitioner approached the police with about 20-22 people and demanded that all the said people be permitted to enter the petitioner's residence, accompanied by the police authorities.

When the police refused to accompany the other members, who were apprehended by the police to the members of the gang of the petitioner, who is already suffering several complaints and criminal cases against him, the petitioner left and did not return.

Subsequently, when contacted by the police authorities, the petitioner expressed his clear opinion that the petitioner was not interested in entering into his residence alone but had to be accompanied by the other persons who went with him.

Learned counsel for the petitioner submits that the other members accompanying the petitioner were family members and it is natural that the family would be entering the residence with the petitioner.

There is no way of identifying whether the accompanists of the petitioner were his family members, as claimed by the petitioner, or his criminal associates, as alleged by the police authorities.

Moreover, from the order dated February 3, 2022, it is evident that only the petitioner was to be accompanied by the police authorities to ensure that the petitioner can enter his house without any disturbance and/or hindrance from any quarter.

It appears that the quality of mercy is not twice but thrice “strained” in this case, since the petitioner not only refused to take benefit of the order, despite having several criminal cases pending in his name, but also deliberately waived the opportunity given to him and harassed the police authorities, who had met adequate arrangements in that regard.

Hence, there is no scope of keeping the contempt application pending.

CPAN 996 of 2021 is, accordingly dismissed, without any order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)