

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Appeal No. 47 of 2021**

Shri Doman Singh Presently Posted As District Magistrate/Collector, At
Mahasamund, District- Mahasamund (C.G.)

---- Appellant**Versus**

- Aatmjeet Singh S/o Khajan Singh, Aged About 56 Years, R/o Ward No. 12, Main Road, Saraipali, Police Station- Saraipali, District- Mahasamund (C.G.)

----Respondent

For Appellant :- Mr. Rajeev Shrivastava, Sr. Advocate with Mr.
Sourabh Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy
Hon'ble Shri Justice Arvind Singh Chandel

Judgement On Board
(26.11.2021)

Per P. Sam Koshy, Judge

1. The present is an appeal under Section 19 of the Contempt of Courts Act, 1971. The appeal has been preferred against the order passed by the learned Single Bench on 01.11.2021 in Contempt Case (C) No. 567 of 2021. Vide the said impugned order, the learned Single Bench has ordered for initiation of contempt proceedings against the appellant herein and for listing the matter after four weeks for formulating the charge against the contemnor i.e. the appellant herein.
2. Learned senior advocate appearing for the appellant submits that it is a case where on account of bonafide reasons particularly that of the severe affect of Covid-19 pandemic, the appellant-contemnor could

not comply with the directions of the Court dated 11.02.2021 passed in CRMP No. 1349/2020 within the stipulated period. He submits that the appellant herein after entering appearance before the learned Single Bench had tendered unconditional apology with sincere expression of regret in not complying with the order within the stipulated period. Learned counsel for the appellant, as of now referring to the subsequent developments that have transpired, submits that the matter may be dropped at this juncture in view of the fact that the entire issue now has been closed for all times to come.

3. He submits that the whole issue revolves around the vehicle which was seized by the state authorities under the provisions of Chhattisgarh Excise Act on 26.05.2020. The matter pertains to the seizure of vehicle bearing registration No.CG06 GR 7664 (Hyundai car). The owner of the car i.e. the respondent herein had filed CrMP No. 1349/2020 before the learned Single Bench seeking for releasing of the aforesaid vehicle. The CRMP stood allowed on 11.02.2021 wherein a direction was issued to the appellant i.e. the District Magistrate, Mahasamund to consider and decide the application for interim custody of the aforesaid vehicle within an outer limit of 15 days.
4. The District Magistrate however could not take a decision on the application of the owner of vehicle within the stipulated period and finally the order was passed rejecting the application for interim custody of the vehicle on 03.08.2021.
5. Since the order of the District Magistrate was beyond the stipulated period, a contempt petition was filed on 02.08.2021 i.e. on the previous day to the day the order dated 03.08.2021 was passed by

the learned district Magistrate. The contempt case was registered as Contempt Case (C) No. 567/2021. Notices were issued and the appellant herein entered appearance and tendered his reply submitting unconditional apology and his expression of regret for not passing an order and deciding the matter within the stipulated period. However, the learned Single Judge has not accepted the apology tendered by the appellant herein and has taken serious note of the inordinate delay on the part of the appellant in deciding the matter and has accordingly ordered for listing the matter for formulating the charge against the appellant-contemnor.

6. Learned counsel for the appellant today drew the attention of the Court to the order passed by another Single Bench of this Court in WPCR No. 564/2021 decided on 30.09.2021 wherein the petition assailing the order of appellant herein dated 03.08.2021 was under challenge and the WPCR stood allowed. In the said WPCR there was a direction to the authorities to immediately grant interim custody of the vehicle to the owner. Pursuant to the said order passed in WPCR No. 564/2021, the said vehicle was immediately released to the owner i.e. the respondent herein on 08.10.2021. It has been further pointed out by the learned senior counsel that thereafter the entire confiscation proceeding itself has now been finally decided vide order dated 08.11.2021 and the vehicle has been finally discharged from the confiscation proceedings and as such the entire grievance of the original petitioner i.e. the respondent herein itself stands redressed. Learned senior counsel therefore submits that the entire issue has now been laid to rest by grant of the interim custody of the vehicle on 08.10.2021 and the proceeding itself having finally decided and the

vehicle being discharged of the confiscation proceedings. The unconditional apology that the appellant had tendered before the learned Single Bench and which the appellant further tenders before this Bench be accepted the entire proceedings can be dropped.

7. Having heard the learned counsel for appellant and on perusal of the entire records more particularly taking into consideration the documents which have been produced by the appellant by way of covering memo dated 26.11.2021 and also taking note of the developments that have transpired pursuant to WPCR 564/2021 decided on 30.09.2021 the interim custody of the vehicle was released to the owner, further also accepting the unconditional apology tendered by the appellant before this Bench and also taking note of the fact that the confiscation proceeding itself has now been finally decided vide order dated 08.11.2021, we are of the considered opinion that it is a fit case where the unconditional apology tendered by the appellant has to be accepted with a word of caution to the appellant that henceforth in the event of any order passed by any Court of Law the same as far as possible has to be complied with in its letter and spirit and in the event of facing any difficulty in taking a decision within the stipulated period, in all fairness the appellant would have to move an appropriate application seeking for extension of time.
8. With the aforesaid caution and advice, the present MA deserves to be and is accordingly allowed. The order passed by the learned Single Bench dated 01.11.2021 is hereby quashed to the extent of further proceeding with the matter for formulating of the charges.
9. In view of the fact that we are accepting the apology tendered by the appellant, as a consequence, the contempt case i.e. Contempt Case

(C) No. 567 of 2021 also stands disposed of and the contemnor in the contempt proceeding i.e. appellant herein stands discharged from the contempt proceedings. The Contempt case also accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
JUDGE

Sd/-

(Arvind Singh Chandel)
JUDGE