

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-6189-2021

Date of Decision: 03.09.2021

BHOLA RAM

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Maninder Arora, Advocate, for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

(Presence marked through video conference).**ARUN MONGA, J. (ORAL)**

Prayer in the present petition is for issuance of a writ in the nature of *certiorari* quashing the order dated 04.12.2020 (Annexure P-8) passed by learned Advocate General, Haryana, vide which an application for initiation of criminal contempt proceedings against respondents No.4 to 11 has been rejected.

2. Learned counsel for the petitioner argues that the contempt petition filed by the petitioner has been wrongly dismissed being barred by limitation. Learned counsel relies on a judgment rendered by this Court in **Court on its own motion vs Varinder Kumar @ Vittu and others (Criminal Original Contempt Petition No.12 of 1990, decided on 08.08.1991)** to canvass that limitation would start only when the offence came into the knowledge of petitioner.

3. Heard.

4. Section 20 of the Contempt of Courts Act, 1971 provides that no Court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed. For ready reference, Section 20 *ibid* is reproduced herein below:-

“20. **Limitation for actions for contempt-** No Court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

5. The petitioners herein preferred an application for initiation of proceedings for criminal contempt. The date of the application is though not very clear but the same appears to have been filed on or around 09.01.2018. The allegation *qua* the purported contempt is stated to be deliberate concealment of facts pleaded in CWP No. 932 of 2013 decided on 07.02.2013 and CWP No. 3007 of 2013 decided on 12.02.013. Without commenting of the merits of the allegations or the correctness thereof, assuming for the sake of arguments that there was indeed some concealment, as alleged, the same was in any case way back in the year 2013, when the writ petitions were filed. The said concealment naturally came to the knowledge of the petitioners upon them being served copies of those writ petitions. Despite being in knowledge thereof, they preferred to file application before the learned Advocate General for initiation of criminal contempt too belatedly sometime in January 2018.

6. In the premise, learned Advocate General rightly dismissed the application for initiation of contempt proceedings as time barred. While dismissing the application, learned Advocate General relied on Apex Court judgment in *Maheshwar Peri and others vs High Court of Judicature at*

Allahabad, 2016 (3) RCR (Criminal) 910. Relevant whereof is reproduced herein below:-

“16. Coming to the factual matrix of the present case, the High Court is clear in its mind that the action under Section 15 of the Act is initiated *suo motu* by the High Court. To make it abundantly clear in the impugned order, it is said that the name of the petitioner is not to be shown in the cause list. Apparently, it can only be *suo motu* because the application filed by the advocates, and which is referred to in the impugned order, is without the consent in writing of the Advocate General. The only application other than by the Advocate General, contemplated under Section 15 of the Act, is the motion made by any person with the consent in writing of the Advocate General. Being a jurisdiction which, when exercised, is fraught with serious consequences, the Parliament has thought it justifiably fit to provide for such safeguards. Thus, the impugned article, having been published on 10.11.2008 and the High Court having initiated the *suo motu* action only on 28.04.2015, the same is hit by the limitation of one year prescribed under the Act.

7. In that view of the matter, it has become unnecessary for us to deal with the submissions on merits as to whether the contents of the article would constitute criminal contempt or not.

18. Accordingly, the appeal is allowed and the impugned order is set aside.”

7. In view of the above, no grounds to interfere. The petition is dismissed.

03.09. 2021
Gurpreet/vs

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No