

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTAR No. 1 of 2022

Dibyadarshan Mahunta

Petitioner

Mr. Shivsankar Mohanty, Advocate

-versus-

Registrar (Judl.), Orissa High Court

Opp. Party

Mr. L. Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO

ORDER (Oral)
01.11.2022

Order No.

02. This matter is taken up through virtual/physical mode.

1. The appellant has preferred this appeal under Section 19 of the Contempt of Courts Act, 1971 against the order dated 05.08.2022 passed in BLAPL No.831 of 2022 (Annexure-1); administrative order dated 12.08.2022 passed by the Hon'ble Chief Justice (Annexure-2) and; order dated 27.09.2022 passed in SUO MOTU CONTR No.40 of 2022 (Annexure-3) by the learned Single Judge.

2. On the previous date of hearing, counsel for the petitioner had limited his challenge to the order dated 27.09.2022 passed by the learned Single Judge in the SUO MOTU CONTR No. 40 of 2022 (Annexure-3) while giving up the challenge to the remaining two orders.

The case was got adjourned today for placing on record another order dated 21.10.2022 passed by the learned Single Judge in the contempt proceeding, whereby the appellant was summoned to appear and

show cause as to why the contempt proceeding be not initiated. The said order has now been placed on record in this case.

3. It is contended that in view of Rule 7 Clause-(a) of the Chapter-XVII of the Rules of the High Court of Orissa, 1948, the criminal contempts can only be heard by the Division Bench of this Court. Thus, the notices issued for initiating criminal contempt against the appellant by the learned single Judge are without jurisdiction. He, however, concedes that this aspect was not brought to the notice of the learned single Judge.

4. Mr. Samantaray, learned Addl. Govt. Advocate appearing for the opposite party, upon instruction concedes that in view of the aforesaid Rule, all criminal contempts are required to be heard by a Division Bench of this Court. He admits that the Registry has by inadvertent mistake got the matter in question listed before the learned Single Judge.

5. We find that the stand of the opposite party is in consonance with the Rule 7 Clause (a) of the Chapter-XVII of the Rules of the High Court of Orissa, 1948, which for ready reference reads as follows:-

“7. (a) All proceedings under the Act in respect of criminal contempts only shall be heard by a Division Bench of the Court.

(b) Cases of Civil contempt shall be heard by Single Bench when it arises out of the proceedings before a Single Judge or by a Division Bench when it arises out the proceeding before a Division Bench.”

6. Therefore, in view of the above, the order dated 27.09.2022 as well as the order dated 21.10.2022 passed by the learned Single Judge are held to be without jurisdiction and accordingly are set aside.

7. The Registry is absolutely free to seek listing of the contempt proceeding afresh before the appropriate Bench after obtaining orders of Hon’ble the Chief Justice.

8. The appeal is disposed of in the above terms.

**(Jaswant Singh)
Judge**

**(M.S.Sahoo)
Judge**

November 1st, 2022
Cuttack