

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1047 of 2023

In
Civil Writ Jurisdiction Case No.581 of 1997

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Kumar Kundan Kusum Son of Jay Kumar Prasad Singh, resident of Mazahar Tola, Stadium Road, Post - Sahebganj, P.S. - Borio (J), District - Sahebganj, Jharkhand.

... .. Petitioner/s

Versus

1. State of Bihar through Sri Amir Subhani, I.A.S. Chief Secretary Government of Bihar, Patna.
2. Sri Rahul Kumar, MGNREGA Commissioner, Rural Development Department, Government of Patna.
3. Sri Ram Nivas Yadav, the Deputy Commissioner, Sahebganj, Jharkhand.
4. Sri Rajaram Sharma, the Deputy Commissioner, Pakur, Jharkhand.
5. Sri Prabhat Kumar Bardiyar, the Deputy Development Commissioner, Sahebganj, Jharkhand.
6. Sri Sahid Akhtar, Deputy Development Commissioner, Pakur, Jharkhand.
7. Sri Marai Ram the Superintendent of Police, Sahebganj, Jharkhand.
8. Sri Hrudeep P. Janardhanan, the Superintendent of Police, Pakur, Jharkhand.
9. Sri Girish Chandra Murmu, Comptroller-cum-Auditor General of India, New Delhi.
10. Sri Manish Kumar, Deputy Accountant General (A), Accountant General, Bihar, Patna.
11. Sri Subodh Kumar Jaiswal, Director Central Bureau of Investigation (C.B.I.), C.B.I. Head Quarter, New Delhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Kumar Kundan Kusum (In person)
For the Opposite Party/s :	Mr. Anjani Kumar, (AAG 4)
	Mr. Sourendra Pandey, Advocate
	Mr. Deepak Sahay Jamuar, A.C. to A.A.G 4
	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 01-02-2024 MJC 1047 of 2023 is filed for non-compliance of

the orders of this Court dated 30.11.1998.



2. We are of the view that the present MJC contempt is not maintainable in the light of Section 20 of the Contempt of Courts Act. In identical matter co-ordinate Bench of this Court in the case of **Dr. Rajesh Kumar Sinha & Ors. vs. The Union of India through Secretary, Ministry of Health and Family Welfare, Government of India and Ors.** elaborately considered various provisions of the statutes and proceeded to dismiss on the ground of limitation.

3. Party in person Mr. Satish Kumar Sharma submitted that limitation would not be a hurdle for entertaining MJC contempt matter in the light of Hon'ble Supreme Court decision in the case of **Ram Autar Shukla vs. Arvind Shukla** in a suo motu Contempt Case No. 248 of 1994 – reported in 1995 supplementary to SCC 130. He is relying on para 7. Reading of para 7 it is to be noted that Hon'ble Supreme Court invoke power under Article 129 of the Constitution; such a power is not vested with the High Court. Even though, Article 215 of the Constitution deals with the contempt matter. However, in the co-ordinate Bench decision we have taken note and interpreted as to how Article 215 will not overcome the limitation issue in respect of contempt of Court case matter. Therefore, the cited decision on behalf of the party in person do not assist his case.



4. Accordingly, the present petition stands dismissed in the light of the Section 20 of the Contempt of Courts Act read with the co-ordinate Bench decision in the case of Dr. Rajesh Kumar Sinha & Ors. vs. The Union of India through Secretary, Ministry of Health and Family Welfare, Government of India and Ors.

5. At this stage party in person Mr. Satish Kumar Sharma relied on Section 13(b) of the Contempt of Courts Act, 1971 which reads as under:

“The Court may permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.”

The aforementioned clause does not assist him to ignore the limitation under Section 20 of the Contempt Act, 1971. Accordingly, the aforementioned contention stands rejected.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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