

26.07.2024
Item No.1 with 2
Ct. No. 26
CHC

C.R.L.C.P. 19 of 2024
in
CRM(A) 1758 of 2023
IA NO: CRAN/1/2024

In Re:- An application for anticipatory bail under Article 215 of the Constitution of India.

And

In the matter of : Giriraj Kakra

..... applicant

Mr. Pawan Kumar Gupta, Advocate
Ms. Sofia Nesar, Advocate
Mr. Santanu Sett, Advocate
....for the applicant

Mr. Debasish Roy, Ld. P.P.
Mr. Rudradipta Nandy, Ld. A.P.P.
Ms. Sanjana Saha, Advocate
....for the State/alleged contemnor

1. In our order dated July 22, 2024, the name of the applicant has been inadvertently typed as **“Giriraj Kankra”** instead of **“Giriraj Kakra”**. The same shall be corrected to read as **“Giriraj Kakra”**. This order is treated as part of the order dated July 22, 2024. Other portions of the order dated July 22, 2024 shall remain unaltered.
2. Department is directed to take necessary step.
3. Petitioner complains of violation of the order dated May 11, 2023.
4. The relevant portion of such order of which violation is complained of are as follows:-

“WhatsApp messages disclosed by the petitioner with the Investigating Officer of the first police case demonstrates that they were in contact over a considerable period of time.

The materials disclosed by the petitioner during the course of hearing of the application for anticipatory bail suggest a requirement of the appropriate authority to investigate the dealings of the Investigating Officer of the first police case with the petitioner. It is expected that such investigations are initiated immediately.”

5. We called for affidavits in the contempt petition.

Affidavits were filed by the respective parties.

6. Learned advocate appearing for the petitioner submits that, the police authorities never conducted any enquiry in terms of such order. Documents annexed to the affidavit-in-opposition of the alleged contemnor were prepared to show purported compliance. In effect, no enquiry was ever held. In support of such contention, he draws the attention of the Court to the documents annexed to the affidavit-in-opposition of the alleged contemnor. He draws the attention of the Court to page-14 of such affidavit-in-opposition which is a writing dated June 14, 2023 and in particular to the last sentence thereof which refers to a General Diary at Asansol GRPS dated May 23, 2023. He

submits that, enquiry in terms of the order of the High Court was directed by the writing dated June 20, 2023. Consequently, enquiring authority could not diarise the incident on May 23, 2023.

7. Learned Public Prosecutor appearing for the alleged contemnor submits that, enquiry in terms of the order of the High Court was conducted as will appear from the letter dated June 12, 2023. On conclusion of such enquiry, the S.I. concerned was warned and censured as will appear from order dated June 26, 2023. He submits that, there is no willful or contemptuous violation of the order dated May 11, 2023.
8. As noted above, the order dated May 11, 2023 required an investigation by an appropriate authority in to the allegations made by the applicant for anticipatory bail.
9. The Superintendent, Railway Police by writing dated June 12, 2023 called upon Inspector, Railway Police, Katwa of Howrah GRPS to conduct an enquiry in terms of the order dated May 11, 2023 passed in the application for anticipatory bail.
10. Such enquiry was conducted by an order dated June 26, 2023. The concerned Sub-Inspector of Police was warned and censured. There is a writing dated June 14, 2023 to which, the petitioner strenuously relies upon. Such letter is from the Inspector of

Railway Police, Katwa to the Superintendent of Railway Police and is dated June 14, 2023. Such letter narrates the conduct of the enquiry and the offence thereat. It also refers to a General Diary dated May 23, 2023 recorded with the Asansol GRPS.

11. Reading the letter dated June 22, 2023, June 14, 2023 and the order dated June 26, 2023, we are not in a position to arrive at a conclusive finding that our order was violated either willfully or contemptuously. In fact, police authorities acted in compliance thereof.
12. In such circumstances, we are not minded to invoke our jurisdiction under the provisions of Article 215 of the Constitution of India or Contempt of Courts Act, 1971.
13. C.R.L.C.P. 19 of 2024 along with connected application are therefore disposed of without any order as to costs.
14. So far as the other points raised by the parties are concerned, we clarify that, this order will not stand in the way of the parties availing their remedies before the appropriate forum.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)