

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**SATURDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CONTEMPT CASE NO: 514 OF 2022

Contempt Case filed Under Sections 10 to 12 of Contempt of Courts Act, 1971 to punish the respondent for his wilful and deliberate violation the Orders of the High Court dated 18.3.2021 passed in CrI.P.No.871 of 2021.

Between:

Damegunta Srinivas Prasad Reddy, S/o.Late Sri. D.V.Ramana Reddy, Aged about 62 years, Occ. Director, M/s Sankar Estates Pvt. Ltd. Reg. off. 6-2-953, 201, 2nd Floor, Krishna Plaza, Khairatabad, Hyderabad - 500004.

...Petitioner

AND

1. S.Venkatesh, S/o.not known, Station House Officer, Miyapur, Ranga Reddy District.
2. P.Ravikiran, S/o.not known, Sub Inspector of Police, Miyapur, Cyberabad, Kukatpally Ranga Reddy District.
3. B.Bhavani, W/o. not known, Principal Junior Civil Judge-cum- VIII Addl. Metropolitan Magistrate, At Kukatpally, Hyderabad.

(In view of the memo vide USR No.21301/2022 contempt against R3 is not pressed by the petitioners counsel vide C.O Dt.10/03/2022)

...Respondents

Counsel for the Petitioner : Sri Chennaboina Shravani

**Counsel for the Respondent No.2 : Sri M.Naga Raghu, Counsel
Representing
Sri M.V.S.Sai Sharath**

The Court made the following : ORDER

THE HON'BLE SRI JUSTICE K. LAKSHMAN

CONTEMPT CASE No.514 of 2022

ORDER:

This Contempt Case is filed alleging willful and deliberate violation of the order dated 18.03.2021 in CrI.P.No.871 of 2021.

2. *Vide* the aforesaid order, this Court granted liberty to the petitioners therein to file appropriate application seeking interim custody of the said container and the learned Magistrate shall consider the same and release the container as an interim custody to the petitioners on production of ownership documents and also imposing certain conditions as the Magistrate deems fit and proper.

3. According to the petitioner herein, the said order was not complied and there is violation of the said order by respondent Nos.1 and 2.

4. Considering the subsequent developments, *vide* order dated 13.09.2024, this Court directed the petitioner to approach the Station House Officer, Miyapur Police Station, on 14.09.2024 between 10.00 A.M. to 5.00 P.M., with a request to return the case property. The Station House Officer, Miyapur Police Station, was also

directed to return the case property on production of Adhar Card by the petitioner and upon receipt of the said property, the petitioner was to submit acknowledgment in proof of receipt of the same.

5. According to Ms. Chennaboina Shravani, learned counsel for the petitioner, on 14.09.2024, the petitioner could not approach the Station House Officer, Miyapur Police Station, since he was travelling to Nalgonda. However, he approached the Station House Officer, Miyapur Police Station, only on 16.09.2024 with a request to return the said property by way of submitting a representation. He has also produced proof of ID.

6. Sri M. Naga Raghu, learned counsel representing Sri M.V.S.Sai Sharath, learned counsel appearing for respondent No.2 would submit that the petitioner is requesting the Station House Officer to place the container from where it was seized and the expenses will be met by him.

7. Learned counsel for the petitioner has also filed copy of the said representation dated 16.09.2024. On receipt of the said representation, the Station House Officer, Miyapur Police Station, issued Notice under Section 94/179 of Bharatiya Nagarik Suraksha

Sanhiitha (BNSS) informing the petitioner that the case property is at the Police Station. Therefore, the petitioner has to collect the same from the Police Station upon producing ID proof.

8. It is relevant to note that to punish contemnor under Section 12 of Contempts of Courts Act, there should be willful and deliberate violation of the aforesaid order. As discussed supra, in the present case, *vide* order dated 13.09.2024, this Court directed the petitioner to approach the Station House Officer, Miyapur Police Station on 14.09.2024 between 10.00 A.M. to 5.00 P.M., with a request to return the case property by producing ID proof and upon returning the said property, he was to issue acknowledgment card. This Court also directed the Station House Officer, Miyapur Police Station to return the case property to the petitioner upon producing Adhar Card. Petitioner, instead of seeking return of the case property, asked the Station House Officer to place the same where it was seized. That is not the purport of the order dated 13.09.2024. Therefore, this Court is of the considered view that there is no violation, much less willful or deliberate violation of the order dated 18.03.2021 in CrI.P.No.871 of 2021.

9. In the light of the above, the Contempt Case is closed.

There shall be no order as to costs.

As a sequel thereto, pending miscellaneous applications, if any, shall stand closed.

Sd/- B. SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to Sri Chennaboina Shravani, Advocate [OPUC]
2. One CC to Sri M.V.S Sai Sharath, Advocate [OPUC]
3. Two CD Copies

Svs/gh

CHP

HIGH COURT

DATED:21/09/2024

ORDER

CC.No.514 of 2022



CLOSING THE CONTEMPT
CASE

③ CHR
19/10/24