IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CONTEMPT APPEAL NO: 16 OF 2024

Contempt Appeal filed under Sections 19(1)(a) of Contempt of Courts Act, 1971 against the Order dated 27-09-2024 made in C.C. No. 250 of 2024 on the file of the Hon'ble High Court.

Between:

Vulli Krishna Chaitanya, S/o. V. Raja Mohan, Aged 33 Years, Occ. Private Service, R/o. 201, RRR Arcade, Jagruthi Colony, Road No. 3, Kondapur, Hyderabad

...Appellant

AND

Dusari Krishnaiah, S/o. Not known to the Petitioner, Sub-Inspector of Police, Police Station Adibatla, Ibrahimpatnam, Ranga Reddy District

...Respondent

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to punish the Respondent herein in committing offence u/s. 227, 228 & 229 of BNSS in connection with sworn Counter Affidavit filed in CC No. 250 of 2024 by suspending the order passed in CC No.250 of 2024, dt. 27.09.2024.

Counsel for the Appellant : Mr Thirumal Rao Mamidala

Counsel for the Respondent : - - -

The Court delivered the following Judgment :

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CONTEMPT APPEAL No.16 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Thirumal Rao Mamidala, learned counsel for the appellant.

2. Heard on the question of admission.

3. In this appeal under Section 19 of the Contempt of Courts Act, 1971 (hereinafter referred to as, "the Act"), the appellant has assailed the validity of the order dated 27.09.2024 in C.C.No.250 of 2024 by which the learned Single Judge has accepted the unconditional apology tendered by the respondent and has closed the contempt proceedings.

4. It is a well settled legal proposition that an appeal under Section 19 of the Act lies only against an order imposing punishment in exercise of jurisdiction to punish for contempt (see **State of Maharashtra v. Mahboob S.**

Allibhoy[1] and **Midnapore Peoples' Cooperative Bank Limited v. Chunilal Nanda**[2]).

5. In view of the aforesaid enunciation of law, this appeal is held to be not maintainable.

6. Accordingly, the appeal is dismissed with the liberty to the appellant to take recourse to such remedy as may be available to him in law.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

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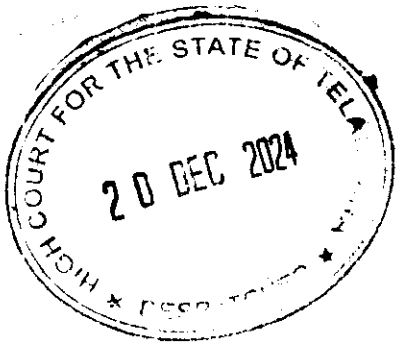
1. Two CCs to the GP for Home, High Court for the State of Telangana, Hyderabad [OUT]
2. One CC to Mr Thirumal Rao Mamidala, Advocate [OPUC]
3. Two CD Copies

VA/gh

[1] (1996) 4 SCC 411
[2] (2006) 5 SCC 399

HIGH COURT

DATED:09/12/2024



JUDGMENT

CA.No.16 of 2024

DISMISSING THE APPEAL

(6)
19/12/24