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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS.(CRL) 2/2024**
COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

KISHORE KUMAR SHINDE AND ANR.

..... Respondents

Through: Mr.Varun Agarwal, Advocate with
R-1 in person and Mr. Farman Ali,
Advocate with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **22.05.2024**

1. Pursuant to order dated 15.05.2024, the Deputy Commissioner of Police, Mumbai Police Commissionerate and SHO, V.P Road are present in Court and both have filed their un-conditional apology affidavit.
2. The affidavits filed by respondent No. 1 and 2 i.e. Shri Kishore Kumar Shinde and Shri Vishal Thakur respectively, stated that letter dated 13.12.2023, Shri Naveen Tayal, being a Court Commissioner appointed by Shri Vinod Yadav, Learned District Judge (Commercial Court-02), North-West, Rohini District Court, Delhi in case titled CS(Comm) No. 872/2023 titled M/s. J.P. Products vs. Jagdish Bhimraj Solanki & Anr., had approached the V.P Road police station and sought police assistance to seize the good in

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compliance of the order passed by the learned District Judge mentioned above.

3. Respondent No. 2 in his affidavit stated that upon receiving the said application vide letter dated 13.12.2023, the matter was referred to Judicial Works Section (Nyayalayin kamkaj Kaksh) for legal opinion.

4. He had received the legal opinion from the said section (Nyayalayin Kamkaj Kaksh) whereby it was informed that the order of the learned Court having local territorial jurisdiction was required to provide police assistance for seizure of goods. In this regard, legal opinion cited the judgment passed by the Hon'ble Supreme Court in "*Rajender Singh vs Ramdhar Singh and Ors.*"[(2001)6SCC213] and "*Indian Performing Rights Society Ltd. v. Sanjay Dalia & Anr.*"(Civil Appeal No. 10643-10644 of 2010).

5. He further stated that he had personally communicated the aforesaid requirement stating that same may be obtained after which all necessary protection and assistance would be provided to him. Letter dated 18.01.2024 was sent which was duly received by the Court Commissioner.

6. It is humbly submitted by the contemnors that they never objected or rejected the propriety of the learned District Court which passed the order in question. They submit that they never had any intention to commit contempt of any Court of law. They submit that they had acted based on the legal opinion which they believed to be correct.

7. Keeping in view the fact that the unconditional apology/affidavits of respondents/contemnors are already on record whereby they have extended their unconditional apology for his conduct and have also undertaken not to repeat such conduct in future, we, hereby, accept the unconditional



apology/affidavit of the respondents/contemnor and discharge them from the contempt proceedings.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 22, 2024/sw