

23.05.2025
Sl. No.1
akd

C. R. L. C. P. 8 of 2025

[ASSIGNED]

In Re : Biswanath Mukherjee vs. Chandan Roy Chowdhury

Mr. Sanjib Kumar Mukhopadhyay
Ms. Nargish Parveen
Mr. Pranab Roy
Ms. Saheli Biswas

... .. for the petitioner

1. The applicant-petitioner has preferred the present contempt petition alleging that the respondent obtained the anticipatory bail by making false statements and misrepresentations before this Hon'ble Court.
2. It is the case of the applicant-petitioner that the respondent, while seeking anticipatory bail, knowingly suppressed the material facts and misled the court by making the following assertions :-
 - i) In paragraph (2) of the anticipatory bail application being C.R.M. (A) 612 of 2025, the respondent represented himself as the caretaker of a company by the name of *M/s. Agrovat India Pvt. Ltd.* However, as per information available on the official website of the Ministry of Corporate Affairs, Government of India, the said company had been defunct since 14.04.2014, and no authorized signatory existed on that date.
 - ii) The authorization annexed at page 10 of the said application dated 09.06.2000, was relied upon by the respondent. However, in various other legal proceedings, he has described himself inconsistently, at times as an authorized shareholder and at other times as a Director of the company, thereby creating ambiguity regarding his actual role and authority.

iii) In paragraph (2) of the application being C.R.M. (A) 612 of 2025, the respondent claimed that one Sri Manik Chandra Pramanick, sated to be the Director of the company, had appointed him as caretaker. However, the said company being defunct since 14.04.2014, and with no valid shareholder or authorized signatory in existence, the veracity of such an appointment is highly questionable.

iv) In paragraph 4(g) of the application being C.R.M. (A) 612 of 2025, the respondent submitted that the record of rights pertaining to the subject property stands in the name of *M/s. Agrovat India Pvt. Ltd.*, and annexed documents in support thereof. However, it is submitted that the said record of rights was corrected on 09.01.2025 to reflect the petitioner as the rightful holder, following due process and in the presence of the respondent, who did not raise any objection at the time.

3. The applicant-petitioner submits that by suppressing these material facts and presenting falsehoods, the respondent misled this Court and thereby fraudulently obtained anticipatory bail. Pursuant to the respondent's application, this Court, by order dated 21.02.2025, granted anticipatory bail upon being informed that the company had been dissolved and that the alleged irregularities in the mutation records had been rectified.

4. Considering these circumstances, the Court had concluded that custodial interrogation was not warranted and accordingly granted anticipatory bail, subject to a condition that the respondent shall cooperate with the investigation.

5. It is trite law that for initiation of contempt proceedings, there must be a wilful disobedience of any judgment, decree, direction, order

or writ issued by the court, or a deliberate breach of an undertaking given to the court.

6. The applicant-petitioner has relied upon a judgment of the Hon'ble Apex Court in *Kusha Duruka vs. The State of Odisha* (Criminal Appeal No.303 of 2024) to substantiate the claim that the criminal contempt is made out, alleging that the respondent had procured the anticipatory bail by misleading the court and fraudulently presenting facts before this court.

7. However, in the present case, the applicant-petitioner has not been able to demonstrate any wilful disobedience of an order of the Court or any conscious and deliberate breach of an undertaking given to this court.

8. It is also noted that the applicant-petitioner has failed to demonstrate or establish how any of the statements made by the respondent scandalize or tend to scandalize and/or lower or tend to lower the authority of this court. Even in terms of Section 2(c) of the Contempt of Courts Act, nothing is on record to show that the dignity of the Court is lowered or any other ingredients of Section 2(c) are attracted in the facts of the present contempt petition. Thus, the contempt petition stands dismissed.

9. In view of the above, this Court is of the considered opinion that no case of contempt is made out, hence the same is dismissed.

(Partha Sarathi Chatterjee, J.)

(Gaurang Kanth, J.)