

03.01.2025
Sl. No.3(DL)
srm

CPAN 1235 of 2023
In
W.P.A. No. 13708 of 2022
Manik Mondal
Versus
Mr. Kunal Biswas

Mr. Keshab Chandra Das,
Ms. Aparajita Mondal

...for the Applicant.

This contempt application has been filed alleging violation of the order dated August 10, 2022. It appears that the said order was communicated to the police authorities on May 19, 2023. The petitioner alleges contempt. The pleadings do not support such contention. The petitioner has not been diligent. Moreover, this Court has recorded that the police authorities had made an enquiry and prosecution under Sections 107 and 116(3) of the Code of Criminal Procedure was submitted against one Yusuf Sk. and seven others *vide* Monteswar PS NCR No.247 of 2022 dated June 26, 2022. Apart from that, on an order passed by the learned Additional Chief Judicial Magistrate, Kalna, prosecution under Sections 323/506 of the Indian Penal Code *vide* Monteswar PS NCR No.254 of 2022 dated July 6, 2022 against Yusuf Sk. and seven others, had been registered. The Court further recorded that as the police authorities had taken

steps, nothing further remained to be decided in the writ petition. However, the police authorities were directed to maintain a vigil to ensure that that the petitioner was not disturbed or harassed in any way. With regard to the title and possession of the petitioner, this Court had directed that the civil court could be the appropriate forum. I do not find a single pleading in support of the allegation of contempt.

Paragraph 11 of the contempt application is quoted below:

“11. Your applicant/petitioner states that in spite of communication of the solemn order dated 10.08.2022 passed by His Lordship the Hon’ble Justice Shampa Sarkar in W.P.A. No.13708 of 2022 (Manik Mondal – Vs.- The State of West Bengal & Ors.) and also requested the respondent/alleged contemnor in the writ petition did not act in terms of the order dated 10.08.2022 passed by the Hon’ble Justice Shampa Sarkar in such the said non-compliance, willful and deliberate.”

The above averments do indicate contemptuous behaviour on the part of the Officer-in-Charge, Monteswar Police Station.

Under such circumstances, this Court does not find any reason to entertain the contempt application.

The contempt application is dismissed and proceedings are dropped.

(Shampa Sarkar, J.)