

13.02.2025
Item No.6
gd/ssd

CPAN/1729/2024
DIPPAMAN SAMANTA
VS
SHYAMAL MAITY AND ORS.
in
MAT/1801/2024
MADAN MOHAN KRISHTI PARISHAD AND ORS.
VS
DIPPAMAN SAMANTA AND ORS.

Mr. Utpal Bose, Id. Sr. Adv.,
Ms. Suchismita Ghosh Chatterjee,
Mr. Maloy Kumar Sil,
Mr. Souryadeep Ghosh
..for the Petitioner.

Mr. Imtiaz Ahamed,
Mr. Mujibar Noskar
..for the alleged Contemnor
Nos.1 to 6.

Mr. Samrat Sen,
Mr. Amritlal Chatterjee
..for the alleged Contemnor
Nos.8 to 11.

1. This contempt application has been filed alleging disobedience of the order passed in MAT 1801 of 2024 dated 23.9.2024.

2. The learned Assistant Additional Advocate General appearing for the State raised a point of maintainability of the contempt application on the ground that the doctrine of merger cannot be applied in the instant case in MAT 1801 of 2024. The Division Bench only confirmed the order passed by the learned Single Bench. Further, it is submitted that the applicant has already moved before the learned Single

Bench by way of a contempt application in CPAN 1481 of 2024 in which an order was passed on 5th November, 2024 at the request of the learned advocate appearing for the applicant to bring on record certain developments by way of a supplementary affidavit.

3. The contempt petition was to be heard on November 26, 2024.

4. The learned senior advocate appearing for the applicant before us submitted that if the applicant is to go before the learned Single Bench in all probabilities he will be non-suited on the ground that the order passed by the learned Single Bench was affirmed in MAT 1801 of 2024 and, therefore, the remedy should be sought for before the Division Bench.

5. In the facts and circumstances of the case, we find that the contempt alleged is on account of violation of certain observations/directions issued by the learned Single Bench. The Division Bench did not adjudicate or issue any further directions but merely confirmed the order passed by the learned Single Bench.

6. Therefore, we are of the view that the applicant can pursue his contempt petition in CPAN 1481 of 2024 which is pending before the learned Single Bench and raise all issues before the learned Single Bench which shall be considered in accordance with law.

7. We leave it open to the applicant to mention before the learned Single Bench for early listing.

8. The written instruction given by the Officer-in-Charge, Haridebpur Police Station to the learned Government counsel dated 12.2.2025 is placed on record and a perusal of the same it is seen that criminal cases are also pending in which charge-sheet have been filed.

9. With the above observations, the contempt application stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)