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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 898/2024**

PRAMOD LOHIYAPetitioner
Through: Mr. Gaurav Sharma (DHCLSC)
with Ms. Sakshi Jha and Ms.
Aakanksha Sharma, Advs.
along with petitioner-in-person.

versus

INSP DHARMENDAR PRATAP SINGHRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

% **ORDER**
28.02.2025

1. The petitioner is seeking initiation of contempt proceedings against the respondent/Inspector Dharmender Pratap Singh of Police Station Samaypur Badli, Delhi, for alleged wilful disobedience of the directions as contained in the order dated 14.11.2018, passed by the learned Metropolitan Magistrate-02 (North), Rohini Court in case titled as 'State v. Pramod Lohia etc.' bearing FIR No. 826/2018 PS Samaypur Badli.
2. No one is present for the respondent despite sending advance notice.
3. It would be expedient to reproduce the order dated 14.11.2018, which was passed by the learned MM in the aforesaid case bearing FIR No. 826/2018 PS Samaypur Badli, which goes as under:

“...

The present application for release of Seized Mustard seeds on superdari has been filed by the applicant. Reply has been filed



under the signature of SI Dharmendra Pratap Singh and submitted that there is no objection for the release of the seized mustard seeds as per reply.

Heard.

In these circumstances the as per the reply of IO seized mustard seeds be released to the applicant subject to the following conditions:

1. Seized mustard seeds in question be released to its registered/rightful owner only subject to furnishing of indemnity bond to the value of article which is to be ascertained by the certified valuer, to the satisfaction of the concerned SHO/IO.
2. IO shall prepare detailed panchnama also mentioning the colour, appearance.
3. IO shall take the colour photograph of the seized mustard seeds from different angles.
4. The photograph should be attested and counter signed by the complainant, accused and the applicant.
5. IO shall get the seized mustard seeds value from a proper valuer and shall take the proper report in this regard from the valuer.

Copy of this order be given dasti to the applicant.

Copy of this order be also sent to SHO concerned for compliance.

Above mentioned documents be filed along with the final report.

The applicant can dispose of the goods after release.”

4. The grievance of the learned counsel for the petitioner is that the respondent did not comply with the aforesaid directions and the goods were released to the complainant, who was not the rightful owner of the articles so much so that the aforesaid directions *vide* Clauses (2) to (5) were not even complied with.

5. It is evident from the record that initially a contempt application was filed before the learned MM on 14.02.2022, in which, on issuance of notice to the respondent, a reply was filed and the aforementioned contempt application came to be dismissed by the learned MM *vide* order dated 09.08.2023.

6. Although, a revision petition was preferred, the same too came to be dismissed as withdrawn before the learned Sessions Court in terms of order dated 06.03.2024. It is only thereafter that the present



contempt petition has been filed on 22.05.2024.

7. *Ex facie*, the aforesaid contempt petition is barred by limitation in terms of section 21 of the Contempt of Courts Act. There is no gainsaying that the contempt petition was also filed before the learned MM after lapse of more than two years from the date of arising of the cause of action and therefore no benefit of extension of limitation could be accorded under Section 14 of the Limitation Act either.

8. The present contempt petition is, therefore, dismissed without prejudice.

DHARMESH SHARMA, J

FEBRUARY 28, 2025/sm