IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.3100 of 2024

CNR No. ODHC010296242024

Debasis Lenka & others .... ***Petitioners***
Mr. P. Dash, Advocate

-versus-

Dr. Dillip Kumar Jena, Superintendent, Leprosy Home & Hospital, Nayabazar, Dist-Cuttack .... ***Opposite Party/Contemnor***
Mr. M. Kanungo, Sr. Advocate along with Mr. S. Mishra, Advocate

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER
26.11.2026

Order No.

20. This matter is taken up through hybrid mode.

2. Vide order No.18 dated 20.11.2026, this Court directed the Contemnor to be detained in civil imprisonment for a period of one day. It was further directed that the Contemnor shall pay a cost of Rs.20,000/- from his own pocket, to be deposited with the Orissa High Court Advocates' Welfare Fund within a period of four weeks from the date of the said order.

3. That apart, the Petitioner was also directed to deposit a sum of Rs.500/- with the Registry within a week towards subsistence allowance payable to the Contemnor, as under Sub-Rule (c) of Rule 19 under Chapter XVII of the Rules of the High Court of Orissa, 1948, there is a bar to

arrest the Contemnor, unless the subsistence allowance, as fixed by the Court, is deposited.

4. As per the office note, the Petitioner has already deposited a sum of Rs. 500/- towards the subsistence allowance of the Contemnor, as directed by this Court. Hence, even though the contempt proceeding has been disposed of, the matter has been listed to-day to pass appropriate order for compliance of order dated 20.11.2026.

5. At this stage, learned Senior Counsel appearing for the Contemnor submits, in compliance with the aforesaid order, the Contemnor has already deposited an amount of Rs.20,000/- with the Orissa High Court Advocates' Welfare Fund and the receipt in proof of such deposit has also been filed with the Registry.

6. Learned Senior Counsel for the Contemnor further submits, at present, the Contemnor is suffering from depression. Having regard to the prevailing mental condition of the Contemnor, order dated 20.11.2026 may kindly be suitably modified.

7. Since, in terms of Section 19(1) of the contempt of Courts Act, 1971, an Appeal shall lie as of right from any order or decision of the High Court, passed in exercise of its jurisdiction to punish for Contempt, on being asked as to whether the Contemnor intends to prefer an appeal against the order dated 20.11.2026 passed by this Court, learned Senior Counsel for the Contemnor renders no instruction in the said regard for the time being. However, he prays for an adjournment to take instruction in the said regard from the Contemnor.

8. Limitation to prefer an appeal under Section 19(1) of the Contempt of Courts Act, 1971 is thirty days, as enshrined under Section 19(4)(a) of the said Act,1971. Accordingly, this Court is of the view that, so far as direction to undergo civil imprisonment, should be executed only after expiry of the statutory period of 30 days from the date of order dated 20.11.2026 to prefer an Appeal, so as to enable the Contemnor to avail the remedy under Section 19(1) of the Contempt of Courts Act, 1971, if he so desires.

9. Hence, Non-Bailable Warrant (NBW) be issued against the Contemnor, directing him to appear before this Court on 22nd December, 2026 at 10:30 A.M., which would be subject to outcome of the order passed in the Appeal, if any, preferred by the Contemnor in between.

10. The Inspector-In-Charge of the concerned Police Station is directed to execute the warrant and produce the Contemnor before this Court for undergoing the sentence of detention in civil imprisonment for the period of 1(one) day, as directed vide Order dated 20.11.2026, on the date and time, detailed above.

Urgent certified copy of this order be granted on proper application as per rules.

(S.K. MISHRA)
JUDGE

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