

(2009) 02 JH CK 0039

Jharkhand High Court

Case No: None

Manorma Verma

APPELLANT

Vs

The State of Jharkhand and
Others
 Bana Munda and
Others Vs The State of Bihar and
Others
 Bana Munda and
Others Vs V. Shyam Deo Singh
and Others

RESPONDENT

Date of Decision: Feb. 12, 2009

Acts Referred:

- Contempt of Courts Act, 1971 - Section 12
- Penal Code, 1860 (IPC) - Section 406, 420

Hon'ble Judges: Ajit Kumar Sinha, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Ajit Kumar Sinha, J.

The present petition for initiation of contempt proceedings has been preferred for willful, deliberate, conscious and intentional violation and non-compliance of the order dated 7.2.2008, passed in C.W.J.C. No. 2699 of 1998 (R) by Hon"ble Mr. Justice R.K. Merathia.

Vide order dated 7.2.2008, passed in C.W.J.C. No. 2699 of 1998 (R), this Court directed as under:

Inspite of service of notice No one appeared on behalf of respondent No. 7 on 24.1.2008. Again, No one appears on behalf of respondent No. 7 today. Thus, the averments of respondent No. 8 stand un-controverted.

In the circumstances, respondent No. 7 is directed to pay Rs. 14 lacs to respondent No. 8 as assured by him, within four weeks from today.

Violation of this order will amount to contempt of this Court.

2. I have considered the arguments at length and also considered the show cause filed to the contempt notice issued vide order dated 12.12.2008.

3. In the order dated 7.2.2008 passed by this Court, the direction was to pay Rs. 14,00,000/- (fourteen lakhs) against the respondent No. 7 as per his assurance dated 10.10.2006 who is the contemnor herein and till date it has not been complied with. Thus it proves beyond doubt the utter disregard and willful disobedience of the order passed by the Hon"ble Court on 7.2.2008 followed by order dated 12.12.2008.

4. In the show cause filed, the respondent contemnor No. 3 has stated that earlier he was in jail custody at Birsa Munda Central Jail, Ranchi from 9.8.2008 till 27.11.2008 in connection with Sukhdeo Nagar P.S. case No. 59/08 u/s 420/406 I.P.C and the notice served upon him earlier came to his knowledge only when he was released from jail and thus he was prevented for the reasons beyond his control. He further submits that he was under depression and shock thereafter. Again at paragraph 7 the contemnor No. 3 submits that he is still ready to pay a sum of Rs. 14,00,000/- (fourteen lakhs) to the petitioner Smt. Manorma Verma. In the Show cause the prayer has been made that the amount which will be deposited will be subject to final decision of the main Writ Petition bearing CWJC No. 2699 of 1998 (R). During the course of argument the counsel for contemnor No. 3 has also submitted that he has filed an LP.A No. 25 of 2009 against the order impugned which is likely to be listed and has prayed for some time in this regard.

5. In the instant case the order and directions passed by this Court on 07.2.2008 was specific and against respondent No. 7 who is contemnor No. 3 herein and the same has not been complied with till date. The fact remains that even in the show cause filed it is admitted that they have to pay Rs. 14,00,000/- (fourteen lakhs) and they are ready to pay but in utter disregard and gross violation of the order passed by this Court and also the assurance given by the contemnor No. 3 on 10.10.2006 it has not been complied with.

6. Considering the aforesaid facts and circumstances of the case, the show cause filed does not purge the contemnor No. 3 from being punished for committing contempt of Court u/s 12 of the Contempt of Court Act. On considering the entire facts and circumstances of the case the contemnor No. 3 is adjudged guilty to the charge of contempt and is accordingly sentenced to suffer civil imprisonment for a period of six months u/s 12 of the Contempt of Court Act 1971. However, the aforesaid order and sentence shall be kept in abeyance till 30th of March 2009 as prayed for by the counsel for the contemnor. He also informs that the L.P.A. was listed but No interim order has been passed and that this client is agreeable to deposit the amount.

7. In case if the contemnor No. 3 deposits the amount of Rs. 14,00,000/- (fourteen lakhs) to the petitioner herein during the aforesaid period this order and sentence

should not be given effect to. This contempt petition is accordingly allowed.