

ITEM NO.44

COURT NO.13

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Suo Moto Contempt Petition (C) No(s). 3/2023

IN RE: CONTEMPT AGAINST UPENDRA NATH DALAI

Petitioner(s)

VERSUS

Respondent(s)

Date : 23-01-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s)

By Courts Motion

For Respondent(s)

Ms. Liz Mathew, AOR

UPON hearing the counsel the Court made the following
O R D E R

Taking note of the failure on the part of the petitioner in W.P. (C) No. 875/2022 to deposit the cost imposed, suo moto contempt proceedings were initiated. Despite specific direction, the alleged contemnor failed to appear in person which constrained this Court to issue bailable warrant on 9.10.2023. Service report of bailable warrant dated 16.10.2023 would reveal that the alleged contemnor was not found in the given address and is absconding. In this context it is also relevant to note that earlier the alleged contemnor has sent an e-mail dated 5.9.2023, stating as under:-

"I decline to appear in court in this matter as per this case no. because this is a useless notice from you to me. This is a disrespectful act of yours towards me. Because of the contempt notice you issued to me is baseless. I have filed an MA case seeking stay against the contempt proceedings passed by the Hon'ble Court whose diary no. is

35394 of 2023. It has filed on 28.08.2023. You have knowingly disregarded the Constitution of India and unfairly issued this notice to me on 23.01.2023, when I had no defect in my Miscellaneous application file. Is it worth it? So first you register my MA file. Then notice will be posted as per time. I will then be present at the Hon'ble Court.

Therefore, the hearing of this case is requested to be quashed."

Theailable warrant issued could not be executed as the alleged contemnor is absconding. Since his attendance is necessary in the captioned contempt petition, issue non-ailable warrant against the alleged contemnor to be executed through the Superintendent of Police, District Balasore, Odisha to ensure personal appearance of the petitioner on 13.2.2024.

List on 13.2.2024.

(DR. NAVEEN RAWAL)
ASTT. REGISTRAR-cum-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)