

ITEM NO.14

COURT NO.13

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SMC(C) No(s). 3/2023

IN RE: CONTEMPT AGAINST UPENDRA NATH DALAI

Petitioner(s)

VERSUS

Respondent(s)

([TO BE TAKEN UP AS FIRST ITEM]

IA No. 183679/2023 - QUASHING THE NOTIFICATION)

WITH

Diary No(s). 48021/2023 (XVII)

(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 239379/2023
 FOR CONDONATION OF DELAY IN FILING REVIEW PETITION ON IA
 239382/2023

IA No. 239382/2023 - CONDONATION OF DELAY IN FILING REVIEW PETITION

IA No. 239379/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 06-03-2024 These matters were 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, AOR
 Petitioner-in-person

For Respondent(s)
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UPON hearing the counsel the Court made the following
 O R D E R

We notice that a mistake has occurred in the order dated 04.03.2024 in the second line of second paragraph. Hence, the word 'not' used in between the words 'we are' and 'inclined', shall stand deleted.

Now, though time, more than what was requested by the alleged contemnor, was given to him, he has failed to file reply to the notice.

It is submitted by the alleged contemnor, who appears in person, that he was incapacitated to file his reply as his phone is in the custody of the SHO of Deshbandhu Gupta Road, Police Station, Karol Bagh, New Delhi.

However, we are of the view that instead of issuing direction to the SHO to return the said mobile phone (if it was actually taken into custody) it is only proper to furnish him the copies of relevant materials to enable him to file such reply. Though, the alleged contemnor readily responded, rather stated, that he would not be filing any reply without obtaining his mobile phone, we direct the Registry to provide forthwith, all the materials which are already on record for the purpose of enabling him to prepare and file the reply.

Though, the alleged contemnor submitted that he would not be accepting such documents, we make it clear that it would open to the alleged contemnor to file reply, if he desires to do so. In this context, it is noted that the alleged contemnor intervened and submitted that he would prefer to remain in the jail/custody until the mobile phone is provided to him.

Nonetheless, list the matters on Wednesday i.e., 13.03.2024 as the first item in the list. It is made clear in case of his failure to file affidavit on or before 13.03.2024, this Court may proceed to frame charge(s) against him.

In the said circumstances, the alleged contemnor, Upendra Nath Dalai, shall remain in custody till 13.03.2024.

We direct the superintendent of Tihar Jail to provide him the facility to prepare and file the affidavit/reply to the notice issued to him.

List on 13.03.2024 as first item in the list.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)