

ITEM NO.15

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

SMC (Civil) 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

Date : 13-03-2024 These petitions were called on for hearing today.

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

For Petitioner(s) Petitioner-in-person
By Courts Motion, AOR

Mr. P.N. Mishra, Sr. Adv. (Amicus Curiae)
Mr. Hitendra Nath Rath, AOR

For Respondent(s)

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

The alleged contemnor filed a reply. Virtually, it is not filed in accordance with the prescribed manner and it is only handed over to us in Court. However, it is taken on record and it shall be brought on record appropriately. Going through the same, we find that instead of remorseing and apologising for the conduct, the petitioner is making further statements which are more contemptuous in nature. It appears to us that the alleged contemnor is not well versed in law, though he is very adamant in

his attitude, he should be given some more time to file an appropriate reply, if he wishes to do so.

We have specifically asked the alleged contemnor whether he requires any legal assistance. However, he stoutly replied that he does not require any legal assistance and will defend the matter himself.

However, taking note of the nature of the reply filed by him and the seriousness of the matter, we think that it is only proper to appoint an Amicus Curiae. In the circumstances, we appoint Sh. P.N. Mishra, learned senior counsel as an Amicus Curiae. Learned senior counsel graciously expressed his readiness to assist the Court. We also think that the learned senior counsel requires the assistance of Advocate on Record and in that regard, Sh. Hitendra Nath Rath, AOR is appointed for the assistance of the learned Amicus Curiae. The Registry shall provide the entire papers pertaining to this matter to the learned AOR so as to enable the learned Amicus Curiae to assist the court appropriately.

Having gone through the reply, we are of the *prima facie* view that charges should be framed.

List these matters on 18.3.2024 at 2.00 p.m.

Till such time, the alleged contemnor shall remain in custody and he shall be produced before this Court for the said purpose on 18.3.2024 at 2.00 p.m.

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

(MATHEW ABRAHAM)
COURT MASTER (NSH)