

Court No. - 17

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3267 of 2024

Applicant :- Ashutosh Singh And Another

Opposite Party :- Ankita Singh-Ii, Incharge Addl. Chief Judicial Magistrate Court No. 21 Sultanpur And Another

Counsel for Applicant :- Sukh Deo Singh, Paritosh Shukla

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicants.

2. Present application has been filed to summon and prosecute the respondents for willful and deliberate defiance of the orders dated 11.07.2022 and 02.07.2014 passed by the Hon'ble Apex Court in the case of Satender Kumar Antil Vs. Central Bureau of Investigation and Anr. and Arnesh Kumar Vs. State of Bihar and Anr. respectively.

3. Learned counsel for the applicants submits that there is a property dispute among the applicants and other persons belonging to the same family tree. On 23.06.2024, at 8:00 AM, when the uncle of applicants, Shiv Kumar was going to visit his farm then accused persons, namely, Vijay Pratap Singh S/o Darshan Singh, Arun Singh S/o Vijay Pratap Singh, Anil Singh S/o Ravindra Singh, Gyanendra Singh S/o Manoj Singh and Avneesh Singh S/o Manoj Singh came on the spot and attacked on him with lathi, danda and farsa, he tried to run towards his house for saving himself but all the accused persons started causing injury to him. On the alarm raised by Shiv Kumar, applicants and other family members reached on the spot to save him but they were also beaten by the accused persons. In the said incident applicant no.1 and Shiv Kumar received injury and applicant no.2 received head injury. Anil Singh also received injuries from the other side. Thereafter, applicant immediately rushed to the police station and on the written complaint of Shiv Kumar, one of the injured, F.I.R. No.170/2024 under Sections 147, 148, 323, 324 and 308 IPC P.S. Jamu, District- Amethi dated 23.06.2024 was lodged at 12:12 Hours and they were referred to the hospital for medico-legal examination as well as proper treatment.

4. Learned counsel for the applicants submits that, on the same date, Anil Singh also came to the police station along with Vijay Pratap Singh and lodged cross F.I.R No.171/2024 under Sections 147, 148, 323, 504, 452, 324 and 308 I.P.C. P.S. Jamu, District Amethi at 14:46 hours, thereafter, applicants were taken into custody without any ram or reason and were also produced

before the Remand Magistrate which was in utter violation of law laid down by Hon'ble Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar and Anr.*** reported in ***2014 8 SCC 273***. As Paragraph 11.7 of the aforesaid judgment clearly provides that failure to comply with the directions issued by the Hon'ble Apex Court in the aforesaid case shall apart from rendering the police officials concerned liable for departmental action, they shall also be liable to be punished for contempt of Court to be instituted before the High Court having territorial jurisdiction. He further submits that the Remand Magistrate also failed to examine the reasons given in the case diary and without recording any reason, the remand was accepted and applicant was sent to judicial custody which is also in violation of the principle laid down by the Hon'ble Apex Court, therefore, respondents are liable to be punished in accordance with law.

5. As it is evident from the record that the police himself has recorded that applicant no.2 was having head injury but all these facts as well as law laid down by Hon'ble Apex Court in the case of ***Arnesh Kumar (supra)*** was not followed.

6. Let notice be issued to the respondents within a week to show cause, as to why, they should not be punished for wilful disobedience of the directions of this Court, returnable within two weeks, failing which, the charges may be framed after summoning the contemnors.

7. Office is directed to send a copy of this order along with the notice.

8. List this case on **13.09.2024 as fresh within top ten cases.**

Order Date :- 21.8.2024

V. Sinha