IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

O R D E R

D.B. CRIMINAL CONTEMPT PETITION NO.4/2013

STATE OF RAJASTHAN Vs. JAGDISH PRASAD & ORS.

DATE:30.06.2015

HON'BLE THE CHIEF JUSTICE MR. SUNIL AMBWANI
HON'BLE MR.JUSTICE BANWARI LAL SHARMA

By post.
Mr. A.K. Sharma, Senior Counsel, Amicus Curiae.
Mr. Kuldeep Bhatia on behalf of
Mr. I.R. Saini, for the respondents.

*****

1. This Court had taken cognizance of a letter written by Ms. Ranjana Sarraf, RJS, Additional Chief Judicial Magistrate, Fatehpur Shekhawati, Sikar, alleging contemptuous allegations made by the respondents, in the application filed by the plaintiff, in which the respondents alleged acquaintances with the Judges of his community for dispossessing the plaintiff from the disputed property. The allegations were narrated by the Judicial Officer as follows:-

> "Court was inclined to pass an order. Meanwhile plaintiff Jagdish Prashad has moved an application and said in the open court that Vishal Saraswat, Ashok Saraswat have issued threats that they have approach to Baniya Judges up to high level. Further said they had said about you. (Presiding Officer of this Court). But later said that they did not talk about you. Plaintiffs have stated in the application that Ashok Saraswat (Power of Attorney holder of Nand Gopal) and Sh. Ramawater Jain have threatened that they would dispossess the plaintiffs from the disputed property. They have approach up to higher judicial officers and would obtain stay by pressurising local judicial officer. This court is under invisible pressure.

> So they have no hope of justice from this court. They want to transfer the suit. Hence prayed time be granted."

2. On the notice issued to the respondents, the replies have been filed, in which the allegations have been denied and while expressing regrets, an unconditional apology has been tendered.

3. This Court appointed Mr. A.K. Sharma, learned Senior Counsel, as an Amicus Curiae, to assist the Court in the matter.

4. We have gone through the contents of the reference of Additional Chief Judicial Magistrate, Fatehpur Shekhawati, District Sikar. She has gathered the contents, which are alleged to be contemptuous, from the application made by the plaintiff and his submission made orally, in which he alleged that he was told by the respondents that they will take possession of the property as they have good contacts with Judges of a particular community.

5. Upon hearing learned counsel appearing for the parties and perusing the record, we do not find that any such statement was made by defendants in the presence of learned Magistrate. She has referred to the alleged contemptuous statement, from out of the application filed by the plaintiff and his statement in Court, on the basis of which the reference was made.

6. A transfer application was filed by the defendants, to transfer the matter, from the Court of the Magistrate, the fate of which has not been brought on record.

7. We do not find that any case for proceeding further in the matter is made out, inasmuch as the statement alleging contemptuous allegations was neither made by respondents before learned Magistrate, nor anything in writing was submitted before her by them. The statement appears to have been picked out from the contents of the application, made by the plaintiff, who alleges to have heard it from the respondents. The allegations have been denied by the respondents.

8. Further, we find that the defendants have, in any case, tendered an apology, which is not conditional in any manner.

9. The contempt petition is, accordingly, dismissed.

(BANWARI LAL SHARMA),J. (SUNIL AMBWANI),C.J.

/KKC/

Certificate:

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

KAMLESH KUMAR
P.A.