

Misc. DJ ASJ - 562/2021
Shivani Gaur v. Gaurav Kumar Sharma
FIR No.489/2021, PS Chhawla
u/s 498A/406/34, IPC

16.07.2022

Pr : Ld. Addl. PP Ms. Satvinder Kaur Baweja for State.

Applicant Shivani with Ld. counsel Sahil Vij.

Accused/non-applicant Gaurav with Ld. counsel Atul Chaturvedi.

This is a contempt application with the grievance that the accused has not yet complied with the order dt. 30.11.2021 directing refund of Rs. 5 lacs passed by the Court of Sh. Lokesh Kumar Sharma, Ld. ASJ in Bail Matter No. 4166/2021.

Accused submits that he has challenged the order dt. 30.11.2021 directing him to make refund before Hon'ble Delhi High Court vide Crl. M. C. No. 3262/21. Computer printouts of several orders of Hon'ble Delhi High Court passed in Crl. M. C. No. 3262/21 are placed on record. The same are perused. It does appear to this Court that the very factum for which the present contempt is filed has been challenged before Hon'ble Delhi High Court. It is therefore fit and appropriate that we should wait for the outcome of the aforesaid petition before Hon'ble Delhi High Court.

Counsel for the complainant argues that there is no stay from the Hon'ble Delhi High Court. He states that the aforesaid petition under section 482, CrPC has not yet been admitted.

It is no doubt correct that there is no stay from the Hon'ble Delhi High Court. However, the fact of the matter is that the very issue for which the contempt application is filed, is under challenge. Consequently, for this Court to initiate contempt proceedings, even when the petition challenging the order in question is still *sub judice*, would not be appropriate. Judicial discipline demands that we must wait for the outcome of the aforesaid petition under section 482 CrPC.

List on **17.09.2022**.

(M.P. Singh)
ASJ : Special Electricity Court
Dwarka, Delhi/16.07.2022