

GAHC010253852019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/612/2019

SUBHAM SETHIA
S/O SRI MOTILAL SETHIA, M/S KAMAKHYA ASSOCIATES, 3RD FLOOR,
MAHAVIR ASSOCIATES, USHA LANE (NEAR RLY. GATE NO. 6), A.T. ROAD,
BHARALUMUKH, PO GUWAHATI-781001, DIST. KAMRUP (M), ASSAM

VERSUS

NEERAJ KUMAR PUGALIYA
PARTNER M/S RAJAJI FOOD PRODUCTS, B-2/11, 2ND FLOOR, RANA
PRATAP BAGH, NEAR NANAK PIYAO GURUDWARA, PO DELHI-110007

Advocate for the Petitioner : MR. A R AGARWALA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

26.06.2023

Heard Mr. A.R. Agarwala, learned counsel for the petitioner.

2. The instant contempt petition is filed alleging disobedience of a direction made by this Court in an order dated 04.08.2017 passed in a criminal petition, Criminal Petition no. 960/2016.

3. The operative part of the order dated 04.08.2017 reads as under :-

18. However, it is observed that as the accused petitioner No. 2 is ready to remit an amount of Rs. 1,50,754/- due to the opposite party/complainant, the said amount of Rs. 1,50,754/- shall be remitted by the present petitioner No. 2 to the opposite party within a period of 45 [forty five] days from the date of this order.

4. The above direction was passed by the Court exercising its criminal jurisdiction. The criminal petition, Criminal Petition no. 960/2016 was preferred under Section 482, Code of Criminal Procedure [CrPC] seeking quashing of proceedings of a complaint case, C.R. case no. 1235^C/2016, where cognizance was taken for the offences under Sections 406/417/418/34, Indian Penal Code [IPC], 1973 and process was issued to the accused persons for their appearance.

5. In the backdrop of such fact situation and having regard to the provisions contained under Section 431, CrPC, 1973, Mr. Agarwala, learned counsel for the petitioner is to apprise as to whether the contempt petition under the provisions of Contempt of Courts Act, 1971 is maintainable or not.

6. Mr. S. Baruah, learned counsel shall also assist the Court on the point of maintainability of the instant contempt petition.

7. The name of Mr. S. Baruah, learned counsel be reflected in the respondents' side in the cause-list.

8. List the case after 2 [two] weeks on a date to be fixed by the office.

JUDGE

Comparing Assistant