

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/MISC. CIVIL APPLICATION (FOR CONTEMPT) NO.
2501 of 2024**

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DEV DANBHAI HIRABHAI META & ANR.

Versus

CHANDRAPRAKASH UDARAM PAREVA , CIRCLE POLICE
INSPECTOR , MANAVADAR

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Appearance:

MR YOGESHKUMAR A RATANPARA(7260) for the

Applicant(s) No. 1,2

C J GOGDA(7488) for the Opponent(s) No. 1

DHAWAN JAYSWAL, AGP for the Opponent(s) No. 1

VIKAS V NAIR(7444) for the Opponent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE BHARGAV D.
KARIA**

and

HONOURABLE MR. JUSTICE L. S. PIRZADA**Date : 29/01/2026****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)**

1. Heard learned advocate Mr. S.M. Kikani appearing for learned advocate Mr. Yogeshkumar A. Ratanpara for the applicants and learned advocate Mr. Vikas V. Nair for the respondent no. 1.
2. By this application under Section 10 of The Contempt

of Courts Act, 1971 the applicants have prayed for initiation of contempt proceedings against the respondent for willful disobedience of the order of the Hon'ble Apex Court in the case of **Arnesh Kumar Versus State of Bihar** reported in **2014 (8) SCC 273**.

3. It is a case of the applicants that they were arrested in connection with FIR No. 11203037240337 of 2024 on 02.09.2024 and on the same day, they were produced before the learned Magistrate. The learned Magistrate, however, did not authorize the arrest in view of the non-furnishing of the reasons in the check-list to be provided by the respondent and on the ground that no notice was issued under Section 41(1)(b) of the Code of Criminal Procedure, 1973 as per the decision of the Hon'ble Apex Court in the case of Arnesh Kumar (supra).
4. The learned Magistrate by order dated 03.09.2024 released the applicants on bail on personal bond of Rs. 20,000/-. The applicants have, therefore, preferred this application.

5. Learned advocate Mr. S.M. Kikani appearing for learned advocate Mr. Yogeshkumar A. Ratanpara for the applicants submitted that the Order passed by the learned Magistrate is self explanatory and on the basis of such order releasing the applicants on bail on personal bond of Rs. 20,000/- on the ground that the respondent has failed to follow the directions issued by the Hon'ble Apex Court in the case of Arnesh Kumar (supra) would be sufficient for initiation of contempt proceedings as directed by the Hon'ble Apex Court in the said Judgment.
6. Learned advocate Mr. S.M. Kikani for the applicants invited the attention of the Court to the arrest memo and check-list and placed them on record to point out that applicants were arrested within 4-5 hours from the time of filing of the complaint and in the check-list, no reasons were assigned except the answers given in affirmative to the points, which are already stated in the check-list.
7. It was, therefore, submitted that the contempt

proceedings may be initiated against the respondent for violation of the decision of the Hon'ble Apex Court in the case of Arnesh Kumar (supra).

8. On the other hand, learned advocate Mr. Vikas V. Nair for the respondent submitted that there is no willful disobedience and violation of any of the directions issued by the Hon'ble Apex Court in the case of Arnesh Kumar (supra) by the respondent. It was submitted that the respondent has filed detailed reply pursuant to the order dated 03.09.2024, before the Magistrate, giving the reasons for arrest on merits and also disclosed that the applicants are habitual offenders. The communication dated 06.09.2024 in response to the order dated 05.09.2024 was also submitted by the respondent before the learned Magistrate explaining in detail as to whether the guidelines issued by the Hon'ble Apex Court in the case of Arnesh Kumar (supra) were followed or not.
9. Learned advocate Mr. Vikas V. Nair for the respondent submitted that, in view of the criminal antecedents of

the applicants, it was necessary to arrest the applicants and check-list was also provided along with the arrest memo before the learned Magistrate and there was no willful disobedience or intention on part of the respondent, to not to follow the directions issued by the Hon'ble Apex Court in the case of Arnesh Kumar (supra).

10. It was, therefore, submitted that, there was no negligence or ill-motive on part of the respondent to detain the applicants in violation of such guidelines and the respondent has acted vigilantly without any negligence in complying with the directions of the Hon'ble Apex Court, submitting the reasons in the form of the check-list.
11. It was, therefore, submitted that it is not a fit case to initiate contempt proceedings against the respondent.
12. Having heard the learned advocates for the respective parties and considering the facts of the case, the learned Magistrate by order dated 03.09.2024 has declined to authorize the arrest of the applicants

pursuant to the FIR dated 02.09.2024 on the ground that the guidelines issued by the Hon'ble Apex Court in the case of Arnesh Kumar (supra) were not followed by the respondent.

13. Merely because the learned Magistrate has declined to authorize the arrest for not following the guidelines by the respondent and calling the explanation of the respondent, by itself would not result into initiation of the contempt proceedings. On perusal of the record, it appears that, the applicants were habitual offenders having criminal antecedents and were detained by the respondent pursuant to the FIR filed on 02.09.2024 and were submitted before the learned Magistrate along with the check-list.
14. There was no ill intention or motive on part of the respondent to violate the guidelines of the Hon'ble Apex Court in the case of Arnesh Kumar (supra).
15. Learned advocate for the respondent also referred to the order dated 25.09.2024 passed in Special Criminal Application (For Quashing) No. 12206 of 2024

preferred by the applicants on merits, which was also rejected by this Court by observing as under:

“9. I have heard learned advocates appearing for the respective parties and perused the record. On perusal of record, I found that the entire FIR is based on a conversation between Vikrambhai and Ghelabhai and the recording of phone calls between Vikrambhai and Ghelabhai was also not only referred to in the FIR but was relied upon by the complainant and the pen drive of the said recording was given to the concerned Investigating Officer and therefore, the entire investigation has taken place on the basis of aforesaid telephonic conversation. Now today, when the charge-sheet is not filed and investigation is going on for an offence which is registered on 2.9.2024 and within a span of 21 days, after their arrest and after they were bailed out, they have tried to obtain a statement of the prime witness Vikrambhai which would amount to interfering with the process of free and fair investigation and therefore, this is sufficient not to entertain this petition. Accordingly, this petition is required to be dismissed and the same is dismissed.”

16. Thus, it appears that the applicants have also tried to influence the prosecution witness during the pendency of the investigation.
17. In view of the above facts emerging from the record, we are of the opinion that, it is not a fit case to exercise jurisdiction under the provisions of Section 10 of The Contempt of Courts Act, 1971 for alleged violation of the guidelines issued by the Hon'ble Apex Court in the

case of Arnesh Kumar (supra).

18. Accordingly, the application is dismissed.

(BHARGAV D. KARIA, J)

(L. S. PIRZADA, J)

DIKSHA

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: DIKSHA HARISH GUSAIN(HC02363), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 06/02/2026 12:19:16