
(2015) 01 JH CK 0071

In the Jharkhand High Court

Case No : Contempt Case (Criminal) No. 08 of 2013

Aditya Rana

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 28-01-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438, 439
Penal Code, 1860 (IPC) — Section 498A

Citation : (2015) 2 JLJR 54

Hon'ble Judges : Pramath Patnaik, J.;Dhirubhai Naranbhai Patel, J.

Bench : Division Bench

Advocate : Hemant Kumar Shikarwar, for the Appellant; Arun Kumar Pandey, APP, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Dhirubhai Naranbhai Patel, J.—This Contempt Application has been preferred for alleged breach of an order passed by this Court dated 7th August, 2013 in A.B.A. No. 1988 of 2013.

2. Having heard counsel for the applicant and looking to the facts and circumstances, it appears that this applicant is a husband. His wife has filed criminal complaint for the offence under Section 498A of the Indian Penal Code for which anticipatory bail application was preferred by this applicant under Section 438 of the Code of Criminal Procedure which was granted by this Court vide order dated 7th August 2013 with a condition that he will keep his wife with all respect and dignity.

3. Now, it appears that the wife was not taken by this husband-applicant and therefore, Judicial Magistrate, 1st Class had taken him into the custody whereas, the counsel for the applicant submitted that the applicant was ready and willing to take his wife at his residence, but, his wife not accompanied the husband-applicant and therefore he was wrongly sent to jail in defiance of the order passed by this Court dated 7th August, 2013. When the fact is in dispute that

whether the wife had gone willfully or she had not taken by this applicant at his residence is a matter to be decided on the facts. Nonetheless as on today, this applicant has already been granted regular bail under Section 439 of the Code of Criminal Procedure. Hence, we see no reason to initiate any action under the Contempt of Courts Act much less, criminal complaint.

4. We hereby, direct the Registrar General of this Court to send a copy of the order passed in-A.B.A. No. 1988 of 2013 dated 7th August, 2013 alongwith this Contempt Application and annexures to the Director, Judicial Academy, Ranchi for the purpose of study of the case by the Judicial Officers.

5. This Contempt Application is hereby, dismissed.