
(2003) 09 PAT CK 0154
In the Patna High Court
Case No : M.A. No. 285 of 2003

Haridwar Pandey

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 03-09-2003

Acts Referred:

Citation : (2003) 09 PAT CK 0154

Final Decision : Dismissed

Judgement

S.N. Jha, J.—This Miscellaneous Appeal u/s 19(1) of the Contempt of Courts Act, 1971 is directed against part of the order dated 11.8.2003 in Cr. Misc. No. 21709 of 2003 by which the learned Single Judge while taking action for the alleged contempt in the face of the Court u/s 14 of the Act rejected the oral prayer of the Appellant for bail.

2. Section 19(1) of the Act provides for appeal "as of right from any order decision" in exercise of the jurisdiction to punish for contempt. However a doubt arose about maintainability of the appeal considering that it arises from an interlocutory order. Shri Ram Balak Mahto, a Senior Advocate of this Court, was requested to assist the Court on the limited point of maintainability of the appeal. He submitted that in terms of Section 19(1) of the Act appeal lies as of right from "any order" and not only against final decision of the Court in exercise of court's jurisdiction to punish for contempt, but appeal would not lie against every order unless there is some determination by the order. He referred to two decisions of the Apex Court in Purshotam Dass Goel Vs. Hon'ble Mr. B.S. Dhillon and Others, and R.N. Dey and Others Vs. Bhagyabati Pramanik and Others, and a decision of the Calcutta High Court in Ashoke Kumar Rai Vs. Ashoke Arora and Another,