
(2015) 11 SC CK 0002

In the Supreme Court Of India

Case No : Conmt.Pet.(C) No. 374 of 2014 in Crl.A. No. 1834 of 2013

Sita Ram

APPELLANT

Vs

Balbir @ Bali

RESPONDENT

Date of Decision : 19-11-2015

Acts Referred:

Contempt of Courts Act, 1971 — Section 2(a)

Citation : (2017) 2 SCC 456 : (2017) 2 SCCri 88

Hon'ble Judges : Mr. T.S. Thakur and Mrs. R. Banumathi, JJ.

Bench : Division Bench

Advocate : Mr. L.N. Rao, Sr. Advocate, Mr. R. Balasubramaian, Ms. Anindita Pujari, Mr. Santosh Kumar, Dr. Munish Prabhakar, Advocates, for the Respondents; Mr. Rahul Verma, AAG, Dr. Monika Gusain and Mr. Rishi Malhotra, Advocates, for the Petitioners; Ms. V. Mohana, Sr. Advocate, Mr. P.K. Dey, Mr. T.A. Khan, Mr. B.V. Balram Das, Advocates, for the CBI

Final Decision : Disposed Of

Judgement

1. A report based on a preliminary inquiry directed by us has been submitted by the CBI. A Copy of the report was made available to learned counsel for Dr. Munish Prabhakar, Medical Director, Private Hospital, Gurgaon and Mr. Shashank Anand, Superintendent of Police, Rohtak, Haryana. While Dr. Prabhakar has already filed his affidavit in reply to the report. Learned counsel appearing for Mr. Shashank Anand, Superintendent of Police seeks time to do so.

2. We have heard learned counsel for the parties and are of the view that a notice of show cause ought to issue even to Dr. K.S. Sachdeva who happens to be the Managing Director of Private Hospital Dr. Sachdev Pvt. Ltd. Gurgaon. A notice shall accordingly issue asking Dr. K.S. Sachdeva to show cause why he should not be punished for committing contempt of this Court inasmuch as from the material placed on record, it appears that Balbir Singh accused in Sessions Case No. 62 of 2011 was harboured by the hospital run by the Company of which he is the Managing Director for a considerable period and prima facie without any

justification and only with a view to preventing his arrest and committal to jail pursuant to the orders passed by this Court in Criminal Appeal No. 1834 of 2013 dated 24.10.2013. Notice shall be directed to the Station House Officer to the Jurisdictional Police Station for service upon Dr. K.S. Sachdeva.

3. At this stage Mr. R. Balasubramanian, learned counsel for the respondent submits that he has instructions to appear on behalf of Dr. Sachdeva and that he shall not only file his vakalatnama but also file a reply in the form of an affidavit to the contempt petition, the preliminary report submitted by the CBI and the show cause directed by this Court. He may do the same within three weeks. Mr. Shashank Anand, S.P. shall also file his reply affidavit to the contempt petition as also the preliminary report within three weeks from today with an advance copy to learned counsel for the petitioner who will have one week thereafter to respond to the same.

4. List the petition for hearing on 12.01.2016.