

Vamscorp (India) Ltd. Vs. Borendra Nath Mookerjee and ors.

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Court : Kolkata

Decided On : Aug-02-2010

Judge : I . P. Mukerji, J.

Appeal No. : CC No.119 of 2010 ; AP No.417 of 2009

Appellant : Vamscorp (India) Ltd.

Respondent : Borendra Nath Mookerjee and ors.

Advocate for Pet/Ap. : Mr. Anindya Mitra Sr. ; Mr. Abhrajit Mitra ; Ms. Pooja Das Chowdhury ; Ms. Radhika Singh ; Mr. Jishnu Chowdhury ; Mr. Sarvapriya Mukherjee, ; Mr. Ranjan Deb Sr. ; Mr. Kallol Bose Advs.

Judgement :

The Court: While a civil action was pending between the parties the police had initiated some action which was not appreciated by me, prima facie. By my order dated 26th July, 2010 I had called for an explanation.

The police authorities are represented by counsel. But it is represented to me by the learned Counsel for the petitioner that his client is not desirous of proceeding with this contempt application against the police. Contempt proceedings are like quasi-criminal proceedings. The alleged contemnors are like accused in a criminal proceeding. I find from the letter of the alleged contemnor no.1, at page 53 of the contempt petition that he cannot be called an alleged principal offender in this contempt proceeding.

In his letter at page 53 he had just mentioned that there was violation of the status quo order dated 21st June, 2010 and requested the police to take necessary action. Prima facie, upon receipt of this request, which shows clear mention of a status quo order of the Court, the police without recourse to the Court, without consulting the Receivers appointed by the Court, straightaway initiated action and criminal prosecution. This is, prima facie, interference with the administration of justice.

The petitioner does not want to proceed further against the police. Further it is a civil dispute. Additionally Mr. Kallal Bose has submitted that the entire action of the police is not wilful or deliberate and prays for unqualified apology. When the petitioner does not want to proceed against the alleged principal offender, i.e. the police I do not know how this proceedings can be continued against the alleged principal offender in the second degree or third degree being the other respondents. Of course, it is trite that contempt is an action between the Court and the alleged contemnor.

The petitioners not wanting to proceed does not absolve the alleged contemnors. But to adjudicate the issue, further evidence is required. In this private dispute, when the petitioner does not proceed, I do not want to embark on this exercise. I only observe that this kind of action should not be repeated as it causes considerable embarrassment to the Court apart from lowering its dignity in the eyes of the public. With these observations, this contempt application is dismissed.

All parties concerned are to act on a signed photocopy of this order on the usual undertakings.

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