

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

CONTEMPT APPEAL NO: 19 OF 2024

Contempt Appeal filed under Section 19 (1) (a) of Contempt of Courts Act, 1971 against the Order dated 27-09-2024 made in C.C. No. 390 of 2024, preferred against the Order passed in W.P. No. 30411 of 2023 dated 01-11-2023 on the file of the Hon'ble High Court.

Between:

Vaddepally Satyanarayana, S/o. Eshwaraiah, Aged about 62 years, Occ. Retired Manager, of M/s Koyyalagudem Handloom Weavers Cooperative Society Ltd., Reg.No.TH 740, Koyyalagudem Village, Choutuppal Mandal, Yadadri Bhuvanagiri District, TS - 508 252

...Appellant

AND

1. Sri. Praveen Kumar, District Cooperative Audit Officer, State of Telangana, Bhongir - 508 116, Yadadri Bhuvanagiri District

(Respondent No. 4 in W.P. No. 30411 / 2023)

2. Sri. Vidyasagar, Assistant Director, Handloom and Textiles, State of Telangana, District Collectorate Complex, Rayagiri, Bhongir - 508 116, Yadadri Bhuvanagiri District

(Respondent No. 5 in W.P. No. 30411 / 2023)

3. Sri. Gaddam Jayashankar, Person Incharge, M/s Koyyalagudem Handloom Weavers Cooperative Society, Ltd., Regd. No.TH 740, Koyyalagudem Village, Choutuppal Mandal, Yadadri Bhuvanagiri District

(Respondent No. 6 in W.P. No. 30411 / 2023)

...Respondents

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order of the learned Single Judge Dated. 27/09/2024 made in Contempt Case No.390 of 2024, pending disposal of the above Contempt Appeal.

Counsel for the Appellant : Sri Srinivas Pendota

Counsel for the Respondents : - - -

The Court delivered the following Judgment :

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CONTEMPT APPEAL No.19 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Pendota Srinivas, learned counsel for the appellant.

2. This appeal is filed against the order dated 27.09.2024 passed by the learned Single Judge in C.C.No.390 of 2024 by which contempt petition preferred by the appellant has been disposed of.

3. Section 19 of the Contempt of Courts Act, 1971 (hereinafter referred to as, "the Act"), is extracted below for the facility of reference:

"19. Appeals:- (1) An appeal shall lie as of right from any order or decision of the High Court in the exercise of its jurisdiction to punish for contempt—

(a) where the order or decision is that of a single Judge, to a Bench of not less than two Judges of the Court;

(b) where the order or decision is that of a Bench, to the Supreme Court:

—

Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court.

(2) Pending any appeal, the appellate Court may order that—

- (a) the execution of the punishment or order appealed against be suspended;
- (b) if the appellant is in confinement, he be released on bail; and
- (c) the appeal be heard notwithstanding that the appellant has not purged his contempt.

(3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2).

(4) An appeal under sub-section (1) shall be filed—

- (a) in the case of an appeal to a Bench of the High Court, within thirty days;
- (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.”

4. The Supreme Court in **State of Maharashtra v. Mahboob S. Allibhoy¹ and Midnapore Peoples'**

¹ (1996) 4 SCC 411

Cooperative Bank Limited v. Chunilal Nanda² has held that an appeal under Section 19 of the Act lies only against an order imposing punishment in exercise of jurisdiction to punish for contempt.

5. The Supreme Court in **Om Prakash Jaiswal v. D.K.Mittal**³, in paragraph 17 has held as under:

“17. The jurisdiction to punish for contempt is summary but the consequences are serious. That is why the jurisdiction to initiate proceedings in contempt as also the jurisdiction to punish for contempt in spite of a case of contempt having been made out are both discretionary with the court. Contempt generally and criminal contempt certainly is a matter between the court and the alleged contemner. No one can compel or demand as of right initiation of proceedings for contempt. Certain principles have emerged. A jurisdiction in contempt shall be exercised only on a clear case having been made out. Mere technical contempt may not be taken note of. It is not personal glorification of a Judge in his office but an anxiety to maintain the efficacy of the justice administration system effectively which dictates the conscience of a Judge to move or not to move in contempt jurisdiction. Often an apology is accepted and the felony condoned if the Judge feels convinced of the genuineness of the

² (2006) 5 SCC 399

³ (2000) 3 SCC 171

apology and the prestige of the court having been restored. Source of initiation of contempt proceedings may be suo motu, on a reference being made by the Advocate General or any other person with the consent in writing of the Advocate General or on reference made by a subordinate court in case of criminal contempt. A private party or a litigant may also invite the attention of the court to such facts as may persuade the court in initiating proceedings for contempt. However, such person filing an application or petition before the court does not become a complainant or petitioner in the proceedings. He is just an informer or relator. His duty ends with the facts being brought to the notice of the court. It is thereafter for the court to act on such information or not to act though the private party or litigant moving the court may at the discretion of the court continue to render its assistance during the course of proceedings. That is why it has been held that an informant does not have a right of filing an appeal under Section 19 of the Act against an order refusing to initiate the contempt proceedings or disposing of the application or petition filed for initiating such proceedings. He cannot be called an aggrieved party."

Thus, it is evident that a private party or a litigant may invite the attention of the Court with regard to violation of an order passed by the Court. However, such person filing an application or petition before the Court does not become a complainant or petitioner in the

proceedings. He is just an informer or relator and his duty ends with the facts being brought to the notice of the Court. Thus, he is not a person aggrieved and has no locus to file an appeal.

6. In the instant case, the learned Single Judge has not imposed any punishment either on the appellant or the respondents. Therefore, the appeal does not lie.

7. The appeal is, therefore, disposed of with the liberty to the appellant to take recourse to such remedy as may be available to him in law.

Miscellaneous applications pending, if any, shall stand closed.

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Sd/- A.V.S.S.C.S.M. SARMA
JOINT REGISTRAR

SECTION OFFICER

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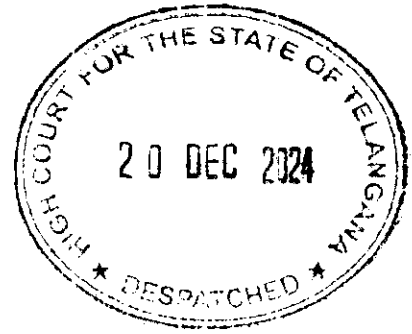
1. One CC to Sri Srinivas Pendota, Advocate [OPUC]
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HIGH COURT

DATED:13/12/2024



JUDGMENT

CA.No.19 of 2024

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