



ITEM NO.47+68

COURT NO.13

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SMC No(s). 3/2023

IN RE: CONTEMPT AGAINST UPENDRA NATH DALAI

Petitioner(s)

VERSUS

Respondent(s)

(IA No. 183679/2023 - QUASHING THE NOTIFICATION)

WITH Diary No(s). 48021/2023 (XVII)

(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 239379/2023
FOR CONDONATION OF DELAY IN FILING REVIEW PETITION ON IA
239382/2023

WRIT PETITION (CIVIL) Diary No(s). 6923/2024

Date : 18-03-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

By Courts Motion

Mr. P.N Misra, Sr. Adv. (A.C.)
Mr. Suchit Mohanty, Adv.
Mr. Hitendra Nath Rath, AOR
Mr. Kartik Arora, Adv.
Ms. Harshita Nigam, Adv.

For Petitioner(s) Petitioner-in-person
(D.No.6923/2024) (Alleged Contemnor)

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

SMC No(s). 3/2023 & Diary No(s). 48021/2023

1. These matters were heard together.
2. Suo Moto contempt petition was directed to be registered vide order dated 7.8.2023 for non compliance of the order dated

5.12.2022 passed in M.A. No. 1640/2023 in W.P.(C) No. 875/2022.

3. Earlier, the alleged contemnor, Upendra Nath Dalai, filed a writ petition seeking a declaration on the following lines:-

"The petitioner therefore, request the Hon'ble Court to take his public interest plea and to consider all aspects of the information provided in this PIL and to issue guidelines to the opposite parties so that there will be no religious differences among them and that they all believe that they are the children of one God and now they accept Sri Sri Thakur Anukul Chandra as Paramatma (Supreme spirit)."

4. The said writ petition was dismissed with a cost of ₹1 lakh. Despite the expiry of the time to pay the cost, the alleged contemnor failed to deposit the cost, pursuant to which the captioned Suo Motu Contempt (Civil) was registered and notice was issued to him.

5. Despite specific direction issued on 9.10.2023 to appear in person, the alleged contemnor did not appear before the Court which led to the issuance of bailable warrant, which could not be executed as the alleged contemnor was absconding. Since his attendance was necessary for deciding the contempt petition, non-bailable warrant was issued against the alleged contemnor to ensure his personal appearance on 13.2.2024. It is evident, to start with, the petitioner had committed a civil contempt of this court.

6. The alleged contemnor also sent an email reply dated 5.9.2023, the contents whereof were nothing, but a criminal contempt of this Court. Thereafter also we granted him an

opportunity to file further affidavit, if he wishes to do so.

7. Taking note of the adamant attitude that he would file a reply only if his mobile is handed over to him, the alleged contemnor was ordered to be kept in prison and at the same time, the Registry was directed to furnish him all the requisite papers to enable him to file a proper reply.

8. Thereafter, the alleged contemnor filed a reply in Court on 13.3.2024. On a perusal of the same, we found that it contained more contemptuous remarks including conspiracy by the Judicial and other Departments. Needless to say that, *prima facie*, the petitioner has committed criminal contempt.

9. In the said circumstances, we charge him for:

i) the civil contempt of this Court for non-payment of the cost imposed by this Court and explain why contempt proceedings should not be initiated against him for recovery of the amount of cost imposed by this Court as arrears of land revenue.

ii) The petitioner is also charged for criminal contempt of this court for making contemptuous statements in filing his email reply on 5.9.2023 and subsequent reply dated 13.3.2024 whereunder he scandalized and lowered the authority of this Court.

10. The alleged contemnor seeks for and is granted two weeks time to file his reply to the aforesaid charges.

11. Though we are not satisfied with the manner in which the alleged contemnor is responding to the notices and queries of the Court, we think it is only in the interest of justice to enlarge

him on bail subject to the terms and conditions to be imposed by the Chief Judicial Magistrate, Balasore, Odisha and in that regard, the alleged contemnor shall be produced before the Court of C.J.M, Balasore on or before 21.3.2024.

12. Subject to the order to be passed by the learned C.J.M., the alleged contemnor shall appear/shall be produced before this Court on 2.4.2024 at 2.00 p.m.

13. Taking note of the nature of the proceedings, we are of the considered view that till a final decision is taken in the above proceedings, the Registry shall not entertain any fresh petition/application filed by the alleged contemnor except in the present proceedings.

14. The petitioner seeks a copy of the Writ Petition (C) Dy. No. 6923/2024. Registry is directed to provide him hard copy of the said petition as requested by the petitioner.

15. A copy of this order shall be given to the alleged contemnor and be sent to the Court of C.J.M., Balasore (Odisha).

16. List on 02.04.2024 at 2.00 p.m.

(DR. NAVEEN RAWAL)
DY. REGISTRAR

(MATHEW ABRAHAM)
COURT MASTER (NSH)