

Court No. - 46

Case :- CONTEMPT APPLICATION (CRIMINAL) No. - 17 of 2023

Applicant :- In Re

Opposite Party :- Shri Rajesh Kumar Tiwari, Circle Officer

Counsel for Applicant :- Suo Moto

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Additional Civil Judge (Junior Division)/Judicial Magistrate, New Court No.4, Moradabad has made a reference on 24.07.2023 stating that during recording of statement of victim under section 164 Cr.P.C. in Case Crime No.280 of 2023, the Investigating Officer showed disrespect to the concerned court and denied to disclose his name on the ground that the judge can see it from the records and that he is not required to tell his name. Later the Investigating Officer told his name in a discourteous and contemptuous manner. The Investigating Officer further stated that for the first time the officer is writing statement under section 164 Cr.P.C. and he is the Circle Officer, Thakurdwara, and be not taught the procedure and then left the court.

Prima facie allegation with regard to commissioning of criminal contempt in terms of Section 2(c) of the Contempt of Courts Act, 1971 is made out against the opposite party.

Issue notice to Rajesh Kumar Tiwari, Circle Officer, Thakurdwara, Moradabad to show cause as to why contempt proceedings should not be initiated against him under Section 2(c) of the Contempt of Courts Act, 1971 for threatening the court, humiliating and dignity of the court.

List after service of notice, on which date reply may be filed through a counsel.

Registry while issuing the notices within a week will ensure that a copy of the complaint written by concerned court through District Judge, Moradabad is also sent along with the notice.

The Registry is also directed to furnish a complete set of records to the counsel for the Court.

Order Date :- 6.10.2023

Ashok Kr.