

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

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CONTEMPT CASE No.826 of 2025

13TH MARCH, 2026

Between:

Syed Arshed Ahmed @ Arshad Hashmi ... Petitioner

AND

V.Srinivasa Rao,
Sub-Inspector of Police,
Chandrayangutta Police Station ... Respondent

ORDER :

This Contempt Case has been filed by the petitioner to punish the respondent herein for willful disobedience of order, dated 23.01.2025 passed in I.A.No.2 of 2025 in CrI.P.No.247 of 2025 under sections 10 and 12 of Contempt of Courts Act, 1971 and pass such other order or orders as this Court deems fit and proper in the circumstances of the case, in the interest of justice.

2. Heard Sri N.Gopi Krishna, learned counsel representing Sri Y.Soma Srinath Reddy, learned counsel for the petitioner and Sri Md.Abdul Mateen Qureshi, learned counsel for the respondent. Perused the record.

3. This Court on 23.01.2025 granted stay order in I.A.No.2 of 2025 in CrI.P.No.247 of 2025, arising out of Crime No.398 of 2024 of Chandrayangutta Police Station, Hyderabad, pending disposal of the criminal petition. Notwithstanding the subsistence of the said stay, the respondent, without adverting to the same, proceeded to file the charge sheet, and the learned Magistrate has taken cognizance thereof.

4. Learned counsel for the petitioner submits that, in clear disregard of the order, dated 23.01.2025 passed by this Court, the respondent proceeded to file charge sheet on 29.01.2025 before the Chief Judicial Magistrate, Nampally, Hyderabad. Despite having sufficient opportunity, the respondent failed to inform the Trial Court of the subsisting stay order and continued the investigation. Consequently, the learned Magistrate took cognizance of the offences under Sections 69, 318(2), and 318(4) of the Bharatiya Nyaya Sanhita on 24.02.2025. It is further submitted that the learned Special Public Prosecutor was present when the stay order was passed and was fully aware of the same. The respondent's conduct amounts to deliberate and willful disobedience of the order of this Court. Hence, it is prayed that appropriate contempt proceedings be initiated against the respondent.

5. Learned counsel for the respondent submits that the respondent had not received any communication pertaining to the interim order dated 23.01.2025 from the office of the Public Prosecutor, as such the respondent was not aware and has no knowledge of the order passed by this Court. He

further submits that after passing the interim order by this Court, the petitioner herein had failed to communicate the interim order passed by the Court to the respondent or to the concerned police station, as such the alleged allegation that the respondent has deliberately violated the interim order passed by this Court is inappropriate. He contends that since the order passed by this Court was not effectively communicated to the respondent neither by the petitioner nor by the office of the public prosecutor, he filed the charge sheet.

6. He further submits that burden lies on the petitioner for effective communication of the order and placed reliance on-

1. *R.Mallikarjuna V. K.Sanjeeva Reddy*¹, wherein, the Division Bench of this Court held that '*The burden of proof lies on the petitioner to demonstrate willful disobedience of Court orders; absence of concrete evidence results in dismissal of contempt claims.*

2. *Ram Chand Verma v. Delhi Development Authority*², wherein the Hon'ble Supreme Court held that '*BEFORE a proceeding for contempt can succeed, it is of paramount importance to establish first, the service of the order of the Court said to have been disobeyed upon the person alleged to have committed contempt thereof.* *'It is only when a clear case of contumacious conduct, not explainable otherwise, arises that the contemner must be punished.'* For the said reasons, the contempt proceedings are dropped and notices issued against the respondents are discharged.

¹ 2025 Supreme (Online) (Tel) 16194

² 1997 0 Supreme (Del) 389

3. *Mrs.Padmini Sivasubramanian v. Mr.Pankaj Kumar Bansal and 2 others*³, wherein the Hon'ble Supreme Court held in para 13, 14 that

13. I have found that the petitioner has not obtained any acknowledgement for having served the copy of the letter on 2.5.2000 during office hours. Insofar as the second respondent is concerned, he was not admittedly served the copy in the office of the second respondent. The petitioner, in his letter, has not correctly stated the gist of the order. While the writ petition was dismissed holding that there is no cause of action, he has stated that the writ petition was disposed of with a direction. He has included expressions which are not found in the order. The petitioner having asked for a copy of the order to be made ready on 27.4.2000 and obtained order that it will be ready on 28.4.2000 and actually the order having been made ready on 28.4.2000, had not taken care to obtain copy and furnish the same to the respondents.

14. The third respondent, who is the Commissioner of Tiruppur Municipality, was not a party in the writ petition. He was not communicated of the copy of the order. In the application, it is stated that he had acted on the dictates of the other respondents and ordered his staff to demolish the superstructure, even though he was informed about the Court order. But, it is not stated as to when the third respondent was informed of the Court order. Even the advocate's letter dated 28.4.2000 was not addressed to the third respondent. In the above circumstances, it cannot be stated that the third respondent has disobeyed the order of the High Court.

7. Learned counsel for the respondent, however, submits that the stay order could not be effectively implemented only due to lack of proper communication to the respondent, either by the petitioner or through the office of the Public Prosecutor. It is further contended that there was no willful or deliberate disobedience of the order of this Court, and an unconditional

³ 2000 0 Supreme (Mad) 802

apology has been tendered, seeking a lenient view. Hence, prays to close the contempt case.

8. This Court has carefully considered the submissions made by the learned counsel for both parties and perused the material placed on record.

9. It is not in dispute that this Court, by order dated 23.01.2025 in I.A.No.2 of 2025 in CrI.P.No.247 of 2025, granted an interim stay of all further proceedings in Crime No.398 of 2024 of Chandrayangutta Police Station, Hyderabad, pending disposal of the criminal petition. It is further borne out from the record that the respondent proceeded to file the charge sheet on 29.01.2025 and the learned Magistrate thereafter took cognizance on 24.02.2025.

10. The principal question that arises for consideration is ***“whether the act of the respondent in filing the charge sheet, notwithstanding the subsistence of the interim stay granted by this Court, amounts to willful and deliberate disobedience so as to constitute contempt”***

11. The contention of the petitioner is that the respondent acted in clear violation of the interim order passed by this Court and such conduct is deliberate and contumacious. On the other hand, the respondent has taken a specific stand that he had no knowledge of the interim order, dated 23.01.2025, as the same was neither communicated by the petitioner nor by

the office of the Public Prosecutor and therefore the filing of the charge sheet cannot be construed as willful disobedience.

12. It is a settled principle of law that to establish contempt, the disobedience of a Court's order must be willful, deliberate and with full knowledge of the order. Mere non-compliance, in the absence of knowledge or proper communication of the order, would not attract contempt jurisdiction. The burden lies upon the petitioner to establish, by cogent and reliable material, that the respondent had due notice or knowledge of the order and yet consciously chose to violate the same.

13. In the present case, except the assertion that the learned Additional Public Prosecutor was present at the time of passing of the interim order, no material has been placed before this Court to demonstrate that the said order was effectively communicated to the respondent or that the respondent had actual knowledge of the same prior to filing of the charge sheet. There is no proof of service of the order, acknowledgment or any contemporaneous record evidencing that the respondent was made aware of the interim stay granted by this Court on 23.01.2025.

14. The burden of ensuring effective communication of a stay order to the concerned Investigation Officer does not rest solely upon the Office of the Public Prosecutor. It is equally incumbent upon the petitioner to take diligent and proactive steps in that regard. Communication of a judicial order,

particularly one granting stay of all further proceedings, is not a mere procedural formality but an essential component of the administration of justice. The efficacy of such an order depends upon its timely and proper transmission to and receipt by the authority obligated to act upon it and not merely upon the factum of its communication by the petitioner or the Office of the Public Prosecutor.

15. It is, therefore, the bounden duty of both the petitioner and the Office of the Public Prosecutor to ensure that the Investigating Officer is duly apprised of the subsistence of the stay order through appropriate and verifiable modes of communication.

16. Failure on the part of either of the said stakeholders to take reasonable steps for communicating the order may defeat the very purpose of the relief granted by this Court and may also lead to complications, including allegations of non-compliance or contempt. Hence, due diligence in this regard is not optional, but forms an integral part of the legal process and the obligation to uphold the sanctity of judicial orders.

17. In the facts and circumstances of the present case, it is evident that the petitioner has not taken any steps to communicate the stay order granted by this Court on 23.01.2025 to the Investigation Officer and seeks to attribute willful disobedience to the respondent on the ground that the Office of the Public Prosecutor failed to intimate the said order. However, in the absence

of any material to establish that the respondent had knowledge of the interim order, this Court is of the considered view that the petitioner has failed to discharge the burden of proving willful and deliberate violation of the order passed by this Court.

18. Furthermore, the respondent has tendered an unconditional apology and has explained the circumstances under which the charge sheet came to be filed. The explanation offered, coupled with the absence of material establishing intentional disobedience, persuades this Court to take a lenient view in the matter.

19. In view of the above, this Court holds that no case of willful disobedience is made out against the respondent so as to warrant continuation of contempt proceedings and the present Contempt Case is liable to be closed.

20. However, in view of the recurring instances brought to the notice of this Court, wherein compliance with judicial orders is stated to have been impeded on account of “ineffective communication”, this Court considers it necessary to issue the following directions to obviate such lapses in future and to ensure strict adherence to orders of this Court:

a) The Office of the Public Prosecutor shall designate a responsible officer for the purpose of ensuring prompt communication of all Court orders to the concerned officers forthwith, preferably on the

very same day, through effective, reliable and verifiable modes of communication.

(b) The Office of the Public Prosecutor shall maintain updated contact details, including official email addresses and phone numbers of all the concerned Officers, to facilitate seamless communication of Court orders.

(c) All communications of Court orders shall, as far as practicable, be effected through official electronic means, including designated email IDs and secured messaging platforms, in addition to any other prescribed mode, so as to ensure immediacy and verifiability.

(d) In cases where interim orders such as stay orders are passed, the Office of the Public Prosecutor shall maintain a compliance book indicating the mode and date of communication to the concerned officers.

(e) The concerned officers shall maintain a register for this purpose and upon receipt of any Court order, make a contemporaneous entry therein indicating the date and time of receipt, along with steps taken towards compliance.

(f) Where any difficulty is encountered in implementing the orders of this Court, the concerned authority shall promptly seek appropriate

clarification from the Office of the Public Prosecutor/this Court and shall not proceed in a manner that may defeat or dilute the intent of the order.

(g) Any delay, negligence or laxity either in communication or in compliance of the orders, if noticed hereafter, shall be viewed seriously and may be construed as willful disobedience, inviting contempt proceedings.

(h) Any inaction on the ground of lack of formal or official communication, once due intimation is established, shall not be countenanced and may be treated as contumacious.

(i) A copy of this order shall be forthwith forwarded to the Director General of Police, who in turn, shall issue a comprehensive circular to all subordinate officers, emphasizing the imperative of immediate and scrupulous compliance with judicial orders.

(j) Compliance with the above directions is mandatory and any deviation therefrom will be viewed seriously.

21. With the above directions, the contempt case is closed. There shall be no order as to costs.

All miscellaneous applications, if any pending, shall also stand closed.

JUVVADI SRIDEVI, J

Date: 13.03.2026
BV/rev

Note: Registry is directed to communicate a copy to:
a) The Office of the Public Prosecutor.
b) The Director General of Police.