

ITEM NO.42

COURT NO.15

SECTION II

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

CONMT.PET.(C) No. 408/2025 in SLP(Crl) No. 4755/2025

RAM SAGAR TIWARI

Petitioner(s)

VERSUS

GULAAB SINGH SONKAR & ANR.

Respondent(s)

FOR FOR EXEMPTION FROM FILING O.T. ON IA 126885/2025
IA No. 126885/2025 - EXEMPTION FROM FILING O.T.

Date : 17-10-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) :

Mr. Abhishek Tiwari, Adv.
Mr. Prashant Shukla, Adv.
Mr. Suyash Srivastava, Adv.
Mr. Tushar Bawa, Adv.
Mr. Satyajeet Kumar, AOR

For Respondent(s) :

Mr. Kumar Gaurav, Adv.
Ms. Kristen Sleeth, Adv.
Mr. Prashant Bhardwaj, Adv.
Dr. Linto K.b., AOR

Mr. Sharan Thakur A.A.G, Sr. Adv.
Mr. Adarsh Upadhyay, AOR
Mrs. Noopur Dubey, Adv.
Ms. Pallavi Kumari, Adv.
Mr. Shashank Pachauri, Adv.

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

1. First contemnor-respondent is present before the Court and he is directed to appear before this court on all dates of hearing without fail.

2. The present petition has been filed against the respondent no.1 alleging that despite this Court granting protection by order dated 28.03.2025 and specifically directing that no coercive measures-steps be taken against the petitioner, yet he was apprehended, dragged by respondent no.1 to the police station from his work place on 23.04.2025 and after being arrested and had been subjected to physical assault. It is also contended that petitioner though had presented the order dated 28.03.2025 passed by this Court before the Station House Officer (SHO) first respondent had outrightly rejected and had heaped abuses in vernacular language on petitioner.

3. Petitioner further contended that the language employed or used by the first contemnor is not narrated in the petition for the sake of dignity of the Court. He further alleges that respondent no.1 did not accept the Order of the Court and has shouted in vernacular language *"main kisi Supreme Court ka aadesh nahin manunga, mai tumhara sara High Court aur Supreme Court nikal dunga aaj"*.

4. This Court while disposing of the SLP (Crl.) No.4755/2025 vide order dated 14.07.2025 had made the following observations:

"36. Before parting with the record, we consider it necessary to address the allegations forming the subject matter of Contempt Petition (C) No. 408 of 2025, filed by the appellants in the course of these proceedings. By interim order dated 28.03.2025, this Court had directed that "no coercive measure be taken against the petitioners subject to their cooperation in the ongoing investigation." Notwithstanding the said protection, it has been specifically averred—supported by arrest memos, communications and

contemporaneous medical requests—that Appellant No.1, a senior citizen, was arrested and detained overnight on 23.04.2025, and produced before the learned Magistrate on the following day. These facts, on their face, appear to indicate a wilful disobedience of the interim protection granted by this Court. The explanations sought to be offered—that the arresting officer was unaware of the order or that compliance was impracticable —stand belied by documentary evidence demonstrating that a copy of this Court's order had been communicated through electronic means and legal notice well in advance. The conduct of the police authorities, if found to be true, amounts to a deliberate breach of judicial directions and undermines the dignity of this Court.

37. While we refrain at this stage from initiating contempt proceedings under Section 12 of the Contempt of Courts Act, 1971, we direct the Principal Secretary, Department of Home, Government of Uttar Pradesh to cause an appropriate inquiry to be conducted by an officer not below the rank of 11 Additional Director General of Police into the circumstances leading to the arrest of Appellant No.1 on 23.04.2025. The inquiry shall specifically examine whether there was any wilful non-compliance with the order dated 28.03.2025 passed by this Court, and whether procedural safeguards under the applicable

law were duly followed. The report of the inquiry shall be submitted to the Registrar Judicial of this Court within a period of eight weeks from the date of this judgment in a sealed cover."

5. In light of the direction issued to the Principal Secretary, Department of Home, Government of Uttar Pradesh to cause an appropriate inquiry by an officer not below the rank of Additional Director General of Police leading to the arrest of the petitioner on 23.04.2025 and particularly an inquiry to be made with reference to whether there was any willful non-compliance of the Order dated 28.03.2025, a report in sealed cover has been forwarded by the Additional Director General of Police, Prayagraj Zone, Prayagraj dated 14.09.2025. We have opened the sealed cover and perused the report. The inquiry officer in conclusion has been opined as under:

"21. The entire investigation revealed that Shri Gulab Chandra Sonkar, Incharge Police Station-Kandhai, the arresting officer, Sub-Inspector Mithilesh Chaurasia, and Sub-Inspector Rajesh Kumar, the second Investigating Officer of Case Crime No.02/2024, under Section 419/420/467/468/471 IPC, Police Station-Kandhai, Pratapgarh, were fully cognizant of the order dated 28.03.2025 passed by Hon'ble Supreme Court. During investigation this fact has also emerged that Kandhai Police arrested Shri Ram Sagar Tiwari pursuant to an arrest warrant issued by the Trial Court (CJM, Pratapgarh). The petitioner, Shri Ram Sagar Tiwari, appears to have been unnecessarily detained at the Police Station prior to his arrest. Shri Ram Sagar Tiwari was also not informed of his arrest as per due process."

6. The aforesaid report would clearly indicate *prima facie* there is willful disobedience of the Order of the Court by the first respondent which requires to be dealt with iron hands and under the guise of the police uniform, the first contemnor cannot be allowed

to pollute the stream of justice.

7. At this juncture, the learned AAG appearing for respondent no.2/Principal Secretary, Department of Home & Confidential, Government of Uttar Pradesh who was furnished with the Report has perused the same and would submit that in the teeth of the said inquiry report, the State Government would act immediately and apprise this Court of the action taken by next date of hearing. For the said purposes an accommodation is sought for. Re-list this matter on 07.11.2025.

8. It is made clear that respondent no.2 is only a necessary party though not proper party for the contempt proceedings.

(RASHI GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)