



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.2491 of 2023

State of Odisha and others

.... Appellants

Mr. Saswat Dash, AGA

-versus-

Manoj Kumar Bal

.... Respondent

Mr. Pradipta Kishore Bhuyan, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MISS JUSTICE SAVITRI RATHO

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

08.01.2025

Order No.

17. This matter is taken up through Hybrid mode.
2. The present Full Bench has been constituted to answer the reference made in the order dated 29.10.2024.
3. A preliminary objection has been filed against the constitution of the present Full Bench on behalf of the respondent, Manoj Kumar Bal, paragraphs 2 to 5 of which read thus:-

“2. That, it is quite unethical and unreasonable that the Hon'ble Judges who differed from the earlier view of a Division Bench have been represented in the Larger Bench constituted on 17.12.2024 for adjudication of the matter.

3. That as the two Hon'ble Judges of Larger Bench have already disagreed with the view of the earlier Division Bench, their presence in the Full Bench will be a hindrance for an independent and open mind hearing. The Point of law/question of law referred to be determined cannot be fair and unbiased.



4. That, in this premises, the view of a third Judge will be immaterial as the disagreed view of the two judges will prevail. It is just like losing of the case by the sole respondent is preordained.

5. That, for the ends of justice, equity and fair as well as merit disposal of the point of law, none of the constituting member of Hon'ble Judges be part of larger Bench because constituting the large bench with any member of earlier or later bench will not be fair for merit disposal or independent adjudication.

Hence, it is humbly prayed that the Larger Bench may kindly be reconstituted taking purely new Judges who have no preconceived notion or legal reasoning regarding the matter."

4. The said objection, by way of an affidavit, has been filed through Mr. Pradipta Kishore Bhuyan, who is an Advocate practising in this High Court.

5. We are of the *prima facie* view that the averments made in the aforementioned paragraphs 2 to 5 of the preliminary objection constitute "Criminal Contempt" of Court within the meaning of Section 2 (C) of the Contempt of Courts Act, 1971. We take suo motu cognizance of the same.

6. Let a separate Original Criminal Miscellaneous case be registered for initiation of a contempt proceeding against Manoj Kumar Bal, the deponent of the said affidavit and Mr. Pradipta Kishore Bhuyan, learned Advocate, through whom the affidavit has been filed.

7. Mr. Bhuyan, learned Advocate, accepts notice on his behalf and also on behalf of Manoj Kumar Bal.



8. List this matter on 15.01.2025 along with the Criminal Contempt application.

9. In the meanwhile, the opposite parties / contemnors shall be under obligation to file a show-cause reply as to why they should not be held guilty and duly punished for committing Criminal Contempt of this Court.

10. We request Mr. Pitambar Acharya, learned Advocate General, to assist this Court in the Criminal Contempt matter.

11. Let a copy of this order be communicated to Mr. Pitambar Acharya, learned Advocate General.

(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)
Judge

(S. S. Mishra)
Judge

M. Panda

Signature Not Verified

Digitally Signed
Signed by: MRUTYUNJAYA PANDA
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 09-Jan-2025 10:25:22

