

IN THE HIGH COURT OF DELHI AT NEW DELHI
CONT.CAS(C) [REDACTED] & CM APPL. [REDACTED]

.....Petitioner

Through:

Mr. [REDACTED]

Mr. [REDACTED]

Ms. [REDACTED]

Mr. [REDACTED]

Mr. [REDACTED]

Ms. [REDACTED]

and Mr. [REDACTED]

versus

[REDACTED] (DCP) AND ORS

..... Respondents

Through:

Mr. [REDACTED]

SC (GNCTD)

with Mr. [REDACTED]

along with S.I. [REDACTED]

CORAM:

HON'BLE MR. JUSTICE [REDACTED]

ORDER

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The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The court has already held R-3 guilty of committing contempt of court. He arrested the petitioner in breach of directions passed by the Supreme Court in *Arnesh Kumar Vs State of Bihar*, Criminal Appeal No. [REDACTED]. The requisite notice was not served upon the petitioner. There were mere allegations of criminal breach of trust against the petitioner, which entailed a maximum sentence of three years. It did not warrant the arrest of a person in the manner in which it was done. The petitioner's own complaints to the police were not responded to. The highhandedness of the police officer, in specific breach of the Supreme Court's directions is evident.

Therefore, the apology cannot be accepted. The petitioner has suffered incarceration for 11 days and presently he is out on bail.

4. In view of the above and keeping in mind that R-3 is a serving police officer with Delhi Police, that he has served for seven years and may have a long career ahead of him, R-3 is sentenced to undergo simple imprisonment for one day, along with a fine of Rs.2,000/-, as well as nominal costs of Rs.15,000/- for these proceedings, to be paid by him to the petitioner within four weeks.
5. The aforesaid sentence shall be kept in abeyance for a period of two months from receipt of the order, so as to accord R-3 sufficient opportunity to assail this order, should he so choose to.
6. The petition, along with pending application, stands disposed-off in terms of the above.

DECEMBER