

(1)

Contempt Petition No. 25 of 2015
& Civil Application No. 2616 of 2015

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Contempt Petition No. 25 of 2015
(In Criminal Writ Petition No. 640 of 2005)

Balaji s/o. Ganeshrao Pawar,
Age : 65 years,
Occupation : Agriculture,
R/o. Rohipipalgaon,
Taluka : Mudkhed,
District : Nanded.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Secretary of Home
Department,
Mr. Vinit Agarwal,
Mantralaya, Mumbai.

2. Superintendent,
Nashik Central Prison,
Nashik.

.. Respondents
(No.2 - Formal party)

.....

Ms. Maya R. Jamdhade, Advocate, for the petitioner.

*Mr. S.D. Kaldate, Additional Public Prosecutor, for
respondent nos.1 and 2.*

.....

With

Civil Application No. 2616 of 2015

(In Contempt Petition No. 25 of 2015)

(In Criminal Writ Petition No. 640 of 2005)

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mr. Vinit Agarwal,
Mantralaya, Mumbai.

.. Applicants
(Original respondents)

2. The Superintendent,
Nashik Central Prison,
Nashik.

.. No.2 - Formal party.

versus

Balaji Ganeshrao Pawar,
Age : 55 years,
Occupation : Agriculture,
R/o. Rohimpalgaon,
Taluka : Mudkhed,
District : Nanded.

.. Non-applicant
(Original claimant)

.....

*Mr. S.D. Kaldade, Assistant Government Pleader, for
the applicants.*

Ms. Maya R. Jamdhade, Advocate, for the non-applicant.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 24TH FEBRUARY 2015

PER COURT :

1. Civil Application No. 2616 of 2015 is filed by the contemnor praying therein for exemption of personal appearance of respondent no.1 in Contempt Petition No. 25 of 2015, as directed by this court.
2. The learned Assistant Government Pleader submits that the order, of which disobedience has been alleged in the Contempt Petition, has been complied with and amount of Rs. 50,000/- towards compensation is paid to the petitioner by cheque bearing No. 144547, dated 16th February 2015, drawn on Stand Bank of India, Nashik Road Branch. Copy of the receipt of the payment received by the petitioner has been placed on record along with the application at Exhibit R-1.
3. In that view of the matter, presence of respondent no.1 is dispensed with.
4. Since the order, of which disobedience has been alleged by the petitioner, has been complied with by the respondent no.1, in our opinion, further adjudication of this Contempt Petition is not necessary. It is true, that as ordered by the Division Bench of this Court, order is not complied within three months, as directed. However, the Supreme Court in the case of Suresh Chandra Poddar Vs. Dhani Ram & others, reported in (2002) 1 Supreme Court Cases 766, has observed that *'Even where the order of court is complied with, subsequent to receipt of notice of contempt, court should show judicial grace and magnanimity in dealing with action for contempt'*.

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5. In that view of the matter, no further orders are necessary in the Contempt Petition. The Contempt Petition as also Civil Application accordingly stand disposed of.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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