

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
MISC. APPLICATION NO.1 OF 2014
IN
SUO-MOTU CONTEMPT PETITION NO.3 OF 2014

Chitra Salunke.] ... Intervener

In the matter between :

High Court on its Own Motion.] ... Petitioner

Versus

V. B. Tiwari, Advocate and Another.] ... Respondents

Smt. Sarojini Upadhyay with Mr. Sahil Mahajan for Intervener.
 Mr. Saikumar Ramamurthy for Respondent No.1.
 Mr. F. R. Shaikh, APP for State.

CORAM :- SMT. V. K. TAHILRAMANI AND
SMT. I. K. JAIN, JJ.
DATE :- MARCH 02, 2015

P. C. :-

1. Heard learned Advocate for Intervener, learned Advocate for Respondent No.1 (Contemnor) and learned APP for State.

2. This application has been moved by the original complainant who had filed F.I.R. against Respondent No.1

under Section 3 (1) (x) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Respondent No.1 then filed Anticipatory Bail Application No.1196 of 2010 before the Sessions Court at Bombay. The matter was listed before the then Principal Judge of the City Civil and Sessions Court who is now Hon'ble Judge of this Court. On 29/09/2010, the said anticipatory bail application was rejected. Thereafter on 22/10/2010, the Respondent No.1 addressed a letter to the Hon'ble the Chief Justice of this Court wherein Respondent No.1 made some uncalled for and derogatory remarks against the learned Judge who rejected his anticipatory bail application. A copy of this communication was also sent to the then learned Principal Judge of the City Civil and Sessions Court who had rejected his anticipatory bail application. The learned Principal Judge directed that the complaint be registered as M.A. Accordingly, notice was issued to Respondent No.1.

3. Pursuant to the notice, the Respondent No.1 tendered an Affidavit withdrawing all his allegations and

tendering unconditional apology. Thus in these circumstances, a reference was made to this Court by the then Principal Judge of the City Civil and Sessions Court. This Principal Judge was appointed after the earlier Principal Judge against whom the complaint was made.

4. Now the Applicant/original complainant has preferred this application for intervening in the contempt proceedings i.e. Suo-Motu Contempt Petition No.3 of 2014. The issue of contempt, in the facts and circumstances of this case, would only be a matter between this Court and the Contemnor and the Applicant can have no say in the matter as it is only an issue between the Court and the Contemnor. In this view of the matter, the prayer in this Application for intervention by the Applicant in the Suo-Motu Contempt Petition No.3 of 2014 cannot be considered and it is rejected. Misc. Application No.1 of 2014 is disposed of in above terms.

(SMT. I. K. JAIN, J.)

(SMT. V. K. TAHILRAMANI, J)