

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

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CRIMINAL CONTEMPT PETITION NO.13 OF 2012

Gautam Gulab Advani	.. Petitioner
Vs.	
The State of Maharashtra & Ors.	.. Respondents

....
Mr.Charanjeet Chanderpal, Advocate for the Petitioner.
Mr.Ajay Patil, A.P.P.for Respondent No.1 – State.
Mr.Mahesh Vaswani, Respondent No.3, in-person.
....

**CORAM : S.C. DHARMADHIKARI &
SUNIL P. DESHMUKH, JJ.**

DATED : MARCH 11, 2015.

P.C. :

This petition seeks the following reliefs:

“a) Inviting the attention of this Hon'ble Court which in its discretion may take cognizance of the said conduct of the Mahesh Vaswani under the Contempt of Courts Act, 1971 in terms of decided cases of apex Court P.N. Duda Vs. Shiv Shankar in 1988(3) SCC 167, Bal Thackery Vs. Harish Pimpalkhute in 2005 CRLJ 659 and PrashantBhushan (2011-SC) read with the Contempt Courts Act.

b) This Hon'ble Court may give other or further directions in this regard, to prevent further contempt.”

2 The petitioner in-person fairly states that the complete reading of this petition reveals that it seeks to request this Court to proceed and take cognizance of criminal contempt. The allegations according to the petitioner himself would denote that Section 2(c) of the Contempt of Court Act, 1971, is attracted. He highlights page no.49 (Exhibit-F) of this petition which is an extract of a newspaper report stating that Section 2(c) Clauses (ii) and (iii), are attracted. Therefore, cognizance be taken of this criminal contempt.

3 It is fairly stated by the petitioner that there is no compliance made with Clause (b) of Sub-section 1 of Section 15 of the Contempt of Court Act, 1971. However, he would submit that there is nothing in the Act or the law or otherwise which would prevent this Court from taking cognizance of this criminal contempt *suo motu* or on its own.

4 Having perused this petition with the assistance of the petitioner and the clear mandate flowing from Clause (b) of Sub-section 1 of Section 15, it is evident that this contempt petition is not maintainable. There is, admittedly, no consent in the writing of the Advocate General. In the circumstances, we are of the opinion that the contempt petition is not maintainable.

5 Once, the petition of this nature is filed before the Court, and by which the petitioner could request this Court to take cognizance of a criminal contempt, then, in the given facts and circumstances, this Court cannot proceed on the assumption that the petitioner has lodged a complaint or made some grievance which would enable this Court to act *suo motu*. In the circumstances and in the light of the clear language of the provisions, we proceed to dismiss this contempt petition.

6 However, the disposal of this petition shall not affect any pending proceedings instituted by the petitioner and before the competent Court. Secondly, the disposal of this petition does not mean in any manner that the Court has concluded that there is no case made out and for proceeding under Section 2(c) (ii) (iii) of the Contempt of Court Act, 1971.

(S.P. DESHMUKH, J.)

(S.C. DHARMADHIKARI, J.)