

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR**

Criminal Reference Contempt of Court Case No. 1 of 2014
[U.N. Patil, Jt. Civil Judge (Jr. Dn.), Hinganghat Vs. M.M. Bodkhe, P.I., P.S. Hinganghat & two others]

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's orders

Mr. T.A. Mirza, APP.
 Adv., for respondents.

**CORAM : A.B. CHAUDHARI AND
 P.N. DESHMUKH, JJ.**

DATE : 06th January, 2015.

Perused the Reference Order made by the learned Joint Civil Judge [Junior Division] & Judicial Magistrate First Class, Hinganghat, dated 15th September, 2014. The learned Judge has found that there was an omission on the part of the respondents in not making a mention of grounds of arrest, as stated in the Check List and, therefore, there was violation of the provisions of Section 41 (1) (b) and 41-A of Criminal Procedure Code. He further stated that he issued Show-cause-Notices to both the Police

Officers, who stated that they have obeyed the directions contained in the Supreme Court judgment.

We have seen the reasons recorded by the learned Judge for making a Reference. The only ground mentioned in para 5 of the Reference Order is that there was non-mention of grounds of arrest in MCR application and the Checklist was not annexed with the MCR application. In our opinion, that by itself will not constitute contempt of Court as defined in Section 2 (b) of the Contempt of Courts Act, 1971. The learned Judge has taken the violation of the directions of the Supreme Court given in the reported Judgment as amounting to criminal contempt.

We think, the learned Judge should have been more careful, since each and every thing does not constitute contempt of Court as defined in Section 2 (b) of the Contempt of Courts Act, 1971 and requirements of said provision should not be lightly inferred as constituting the contempt. It is a well settled legal position that action for contempt of Court, either civil or criminal, cannot be initiated in the routine course. We, therefore, find that no act of the respondents constitutes contempt contemplated under Section 2 (b) of the Contempt of Courts Act, 1971. We, therefore, discharge both the respondents and dispose of the Reference

accordingly.

With the above observations, we dispose
of the present Reference as not tenable.

Judge

Judge

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