

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

**CONTEMPT PETITION NO. 343 OF 2016
IN CRI. M.A./1/2016**

**RAJENDRA RADHAKISAN JAKHETE
VERSUS
PRAKASH SHIVCHANDRA JAKHETE AND OTHERS**

...
Advocate for Petitioner : Shri Sant Kishor C.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th October, 2016

Per Court:

1 The Petitioner has preferred this Contempt Petition alleging disobedience of the order dated 04.01.2016 passed by the Executive Magistrate in Criminal Miscellaneous Application No.1/2016.

2 I have gone through the said order. The Tahasildar-cum-Executive Magistrate would not be a judicial authority and therefore, would not fall within Section 10 of the Contempt of Courts Act, 1971. The phrase “courts subordinate to it”, as mentioned in Section 10, is wide enough to include all Courts which are judicially subordinate to the High Court, even though they are not under its administrative control. However, the Tahasildar would not be a court as understood to mean a

court subordinate to the High Court.

3 As such, this Contempt Petition is disposed of.

4 Shri Sant, learned Advocate for the Petitioner, submits that the disposal of this petition should not come in the way of the Petitioner in seeking execution of the order dated 04.01.2016.

5 Needless to state, since this Contempt Petition is disposed of as it is untenable, the Petitioner is always at liberty to avail of a remedy as may be provided by law.

kps

(RAVINDRA V. GHUGE, J.)