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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REFERENCE NO.1 OF 2016**

District Judge-7 and
Additional Sessions Judge, Pune

... Petitioner

Versus

Smt. Rupali S. Bobade & Anr.

... Respondents

Dr. F.R. Shaikh, APP for State.

Mr. Nilesh Ulhas Masurkar for the Respondent No.1.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 29th SEPTEMBER, 2016

PC.

1 On the basis of the order dated 30th November, 2015 passed by the learned District Judge – 7 and Additional Sessions Judge, Pune this Court by order dated 2nd May, 2016 issued notice of contempt to one Smt. Rupali S. Bobade, Assistant Police Inspector who was at the relevant time attached to Pune City Police Station. Notice was issued on the ground of breach committed by her of the directions of the Apex Court in the case of *Arnesh Kumar Vs. State of Bihar*¹. In the said order dated 2nd May, 2016 this Court has recorded a prima facie finding that the said Smt. Rupali S. Bobade (Contemnor) has committed a

1 AIR 2014 SC 2756

breach of the said directions. In the case of *Arnesh Kumar*, the Apex Court held that on failure to comply with the directions contained in the said Judgment will render the said Police Officer liable for punishment for Contempt of Court to be instituted before the High Court having territorial jurisdiction.

2 The Contemnor is personally present in the Court. She has filed first affidavit dated 19th September, 2016 in which she has tendered unconditional apology on account of lapse on her part and has expressed profound regret. There is an undertaking that such mistakes will not recur in future. Today, the Contemnor who is personally present in the Court has tendered another affidavit in which she has given undertaking to ensure that she will abide by the directions issued by the Apex Court in the case of *Arnesh Kumar*.

3 We had called upon the learned APP to take instructions as regards service record of the Contemnor. Accordingly, a report dated 28th September, 2016 is submitted by the Deputy Commissioner of Police, Circle – 3, Pune City in which it is stated that after examination of record it was revealed that there is no disciplinary proceedings initiated or pending against the Contemnor.

4 From the affidavits on record it appears to us that the Contemnor has made no effort to justify the default on her part and on the contrary, at the earliest, she has tendered an unconditional apology. Considering the undertakings given by her in both the affidavits, we are of the view that the apology tendered is bonafide and deserves to be accepted especially when there is nothing adverse against the Contemnor as far as her service record is concerned. Hence, by accepting the undertakings in both the affidavits and by accepting the apology, contempt notice issued under order dated 2nd May, 2016 is hereby discharged. Criminal Reference No.1 of 2016 is accordingly disposed of.

(A.A. SAYED, J)

(A.S. OKA, J)