

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3907 OF 2014

Rajendra Kalicharan Verma Petitioner

Versus

Salim P. Sayyad (Magistrate),
JMFC Court, Pimpri, Pune & Ors. Respondents

Mr. Rajendra Verma, the Petitioner, is present in person.

Mr. A.S. Shitole, A.P.P., for Respondent No.3-State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 23RD FEBRUARY 2016.

P.C. :

1. Heard the Petitioner, who is appearing in person.
2. The Petitioner has filed Contempt Application in the form of Revision Application against two Judicial Magistrates, First Class, submitting that they had rejected his application for discharge filed in R.C.C. No.448 of 2009. According to him, by way of rejecting the said application, the Judicial Magistrates have committed the contempt of the order of the Hon'ble High Court in Criminal Writ Petition No.527 of 2012 as well as the order of the Additional Sessions Judge, Pune, in Criminal Revision Application No.388 of 2009.

3. Petitioner has challenged the dismissal of his Contempt Application before the Additional Sessions Judge, Pune, who has, vide his order dated 31st July 2014, rejected his Revision Application on the ground that he has rejected his earlier Revision Application. Now he has, therefore, approached this Court.

4. I have heard learned A.P.P. and also perused the previous orders passed by this Court from time to time, including the order dated 5th August 2013 passed by this Court in Criminal Writ Petition No.527 of 2012, wherein, in Para No.6 of the order, it was stated as follows :-

“6. The Petitioner attempted to submit that he is seeking a further relief of having the proceedings against him quashed. However, he further submits that an order of discharge from the said Criminal Case for the offences punishable under Section 379 of IPC, as was filed against him, has already been passed by the Sessions Court in revision”.

5. Subsequent thereto, in Para No.7 of the said order, it was observed as follows :-

“7. In view of this, the present Petition cannot be entertained, as this Court has already dealt with all the issues raised by the Petitioner while deciding Criminal

Writ Petition No.827 of 2010, by an order dated 9th July 2013. Consequently, the Petition was dismissed.”

6. The perusal of this order nowhere reflects that, by the said order, this Court has given any direction to the Judicial Magistrates, First Class, for discharging the Petitioner or allowing his application for discharge. In such situation, there is hardly any substance in the grievance raised by the Petitioner.

7. Moreover, Respondent Nos.1 and 2, who are the Judicial Magistrates, have rejected his application on merit and the Petitioner has already preferred separate Revision Petition against the said order of the Judicial Magistrates, First Class, which is also dismissed. In view thereof, when the Magistrates have passed the order in discharge of their official duties and on the face of it also, there is absolutely no substance in the allegation that they have committed the contempt of Court, this Writ Petition stands dismissed at the stage of admission itself.

[DR. SHALINI PHANSALKAR-JOSHI, J.]