

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

CONTEMPT PETITION NO. 88 OF 2017
IN
CRIMINAL WRIT PETITION NO. 1416 OF 2016

Aishwarya D/o Vinayak Limkar

... Petitioner

VERSUS

The State of Maharashtra

... Respondent

.....
Mr R. C. Bora, Advocate for the petitioner
Mr V. M. Kagne, APP for respondent/State
.....

WITH
CRIMINAL APPLICATION NO. 6475 OF 2017
IN
CONTEMPT PETITION NO. 88 OF 2017

CORAM : **S. S. SHINDE &
A. M. DHAVAL, JJ.**

DATE : **04.09.2017.**

PER COURT:

1. This contempt petition alleges disobedience of the order dt. 17.11.2016 passed by the Division Bench of this Court (Coram : S. S. Shinde & K. K. Sonawane, JJ.). Pursuant to the notice issued to the respondent, the Commissioner of Police, Aurangabad, has filed the affidavit.

2. It is the submission of the learned counsel for the petitioner that, though the order of which disobedience has been alleged has been complied with by respondents, however, not within the stipulated period. He further submits that, if there is a delay in compliance with the order/directions and same is not satisfactorily explained, in that case the contempt proceeding needs to be taken to its logical end. In support of aforesaid contention, he placed reliance in the case of *Shail Kumari and others v. Hari Raj Kishore and others* reported in 2004 CRI. L. J. 3936.

3. Learned APP states that, since the Commissioner of Police, Aurangabad, has tendered unconditional apology by way of filing affidavit, and delay caused in compliance of the order has also been explained satisfactorily in para 4 of the said affidavit, the notice issued to the respondent may be discharged.

4. Upon hearing the learned counsel for the petitioner & learned APP for the State and having perused the affidavit-in-reply filed by the Commissioner of Police, Aurangabad, in para 2 of the said affidavit the Commissioner of Police, Aurangabad, has tendered unconditional apology for not complying with the directions/order

passed by this Court on 17.11.2016, within the stipulated time. In that view of the matter, we are inclined to accept the unconditional apology tendered by the Commissioner of Police, Aurangabad and discharge the notice issued to the respondent. The Supreme Court in the case of **Suresh Chandra Poddar Versus Dhani Ram and Others** reported in **(2002) 1 SCC 766**, in para 1 held thus:

“1. This is an instance of how a Tribunal vested with the powers to punish for contempt of court became oversensitive in using such powers. Time and again this Court has cautioned as to when and in what circumstances contempt of court jurisdiction is to be exercised. Such a power is not intended to be exercised as a matter of course. Courts should not feel unduly touchy when they are told that the orders have not been implemented forthwith. If the court is told that the direction or the order of the court has been complied with subsequently, albeit after receipt of notice of contempt, we expect the courts to show judicial grace and magnanimity in dealing with the action for contempt.”

5. For the reasons recorded above, notice issued to respondent stands discharged. The Contempt Petition stands disposed of accordingly. In view of disposal of Contempt Petition, nothing is left for consideration in the pending criminal application and same also stands disposed of.

[A. M. DHAVAL]
JUDGE

[S. S. SHINDE]
JUDGE

sgp