

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 270 OF 2015

Ramniranjan Achhaibar JaiswarPetitioner

V/s.

Shri. Rakesh Maria,
The Commissioner of Police,
and Ors.

....Respondents

* * * * *

Mr. Akhilesh Singh a/w. Mr. Manish Dubey, Advocate for
the petitioner.

Shri. V.R. Dhond, Senior Advocate a/w. Mr. Ashish Kamat
a/w. Ms. Shruti Kanade i/by. Negandhi, Shah &
Himayatullah, Advocate for respondent no.1.

Mrs. S.V. Sonawane, APP for State.

Ms. Vijayshri Kale, Law Officer of Commissioner of Police,
present.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

1ST SEPTEMBER, 2017.

P.C. :-

1. The contempt alleged is of the order dated 27th October, 2014 passed by a Division Bench of this Court, (V.M. Kanade, as His Lordship then was & Smt. Anuja Prabhudesai, JJ). By the said order, the respondent no.1 i.e. the Commissioner of Police, Mumbai was directed to decide the representation of the petitioner, which is annexed at Exhibit-5 to the petition, as expeditiously as possible and in any case within a period of 12 weeks after giving a personal hearing to the petitioner. Insofar as, the compliance of the said order is concerned, the Learned Senior Counsel, Shri. Dhond appearing for the then, Commissioner of Police, Mumbai, Shri. Rakesh Maria states that, a hearing was given to the petitioner and pursuant to which hearing, the decision was orally communicated to the petitioner and the petitioner was satisfied. However, a formal communication as such was not made to the petitioner as regards the outcome of the said hearing. The veracity of the said case of respondent

no.1 as urged by the Learned Counsel Shri. Dhond, cannot be disputed. However, since the order mandates that the said representation of the petitioner is required to be decided and in view of the fact that the incumbent of the office of the Commissioner of Police, Mumbai has now changed, it would be just and proper to issue the following directions :-

(i) The present incumbent of the office of the Commissioner of Police, Mumbai, Shri. Padsalgikar, would hear the petitioner and decide his representation within four weeks from date. The decision to be communicated to the petitioner thereafter.

(ii) The petitioner would remain present before the Commissioner of Police, Shri. Padsalgikar on 12th September, 2017 at 3.00 p.m.

2. In the light of the above, there is no warrant to exercise the contempt jurisdiction. The contempt petition to accordingly stand disposed of.

3. The parties to act on a copy of this order duly authenticated by the Sheristedar of the Court.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)