

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 335 OF 2014

IN

CRIMINAL WRIT PETITION NO. 1666 OF 2012

Dr. Vijay Chandraprakash SharmaPetitioner

V/s.

Shri. Sanjiv Dayal,

Director General of Police,

Maharashtra State, Mumbai & Ors.

....Respondents

* * * * *

Mr. Uday P. Warunjikar, Advocate for the petitioner.

Mrs. A.A. Takalkar, AGP for the respondent, State.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

16TH AUGUST, 2017.

P.C. :-

1. In the above contempt petition, an order came to be passed on 15th October, 2015 by the Division Bench of this Court (V.M. Kanade, J (as His Lordship then was)

and Dr. Shalini Phansalkar-Joshi). Suffice it would be to state that, in the said order, a finding has been recorded by the Division Bench that, it was satisfied that the direction given by this Court has been duly complied and in any way, there is substantial compliance of the order passed by this Court and therefore the Division Bench did not deem it appropriate to exercise the contempt jurisdiction.

2. The Division Bench, however, found that the above contempt petition being filed against the top most police officers of the State was on vexatious and frivolous grounds and therefore imposed cost of Rs.5,00,000/- on the petitioner. The petitioner, in view of the said direction of imposition of costs, carried the matter to the Apex Court. The Apex Court, by order dated 15th January, 2016 passed in Special Leave Petition (Civil) No. 462 of 2016 attention to which is drawn by the Learned Counsel Mr. Warunjikar, appearing on behalf of the petitioner has

by order dated 15th January, 2016 has deleted the direction in respect of payment of costs. The relevant excerpt of the said order of the Apex Court reads thus :-

“Looking at the facts of the case, we direct that the direction with regards to the payment of costs be deleted.”

Hence, though the office note indicates that costs has not been paid by the petitioner, the said objection would now no more survive in view of the order dated 15th January, 2016 passed by the Apex Court deleting the said direction as to payment of costs. Hence, it is now not necessary to keep the above contempt petition pending and to accordingly stand disposed of.

3. The photocopy of the order dated 15th January, 2015 of the Apex Court is placed on record.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)