

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 317 OF 2017
IN
CRIMINAL WRIT PETITION NO. 613 OF 2016

Brian Aloysius D'limaPetitioner
V/s.
Sanjay Laxman KadamRespondent

* * * * *

Mr. Jaideep Mitra i/by. A.S. Khan & Associates, Advocate
for the petitioner.

**CORAM :- R.M. SAVANT &
SANDEEP K. SHINDE, JJ.**
DATE :- 29TH AUGUST, 2017.

P.C. :-

1. The contempt alleged is of the order dated 26th February, 2016 passed by the Division Bench of this Court directing the Special Executive Magistrate to pass an order after considering the submissions of the petitioner to the show cause notice issued under Section 111 of the Criminal Procedure Code. The Special Executive Magistrate, pursuant to the said order has adjudicated upon the said proceedings and passed an order dated 25th

July, 2016 which is annexed to the above Petition as Exhibit-E. It is the submission of the Learned Counsel for the Petitioner that the mandate of the said order dated 26th February, 2016 has not been followed by the Special Executive Magistrate, inasmuch as, the submissions and contentions of the petitioner have not been reflected. In our view, the said allegation would not amount to contempt of the order passed by the Division Bench but would impinge upon the legality and propriety of the said order. We are informed at the Bar by the Learned Counsel, Mr. Mitra that in the proceedings filed challenging the said order dated 25th July, 2016 the said order has been quashed and set aside by the Sessions Court by order dated 16th June, 2017. We therefore do not deem this a fit case to exercise our contempt jurisdiction. The contempt petition is accordingly disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)