

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL CONTEMPT PETITION NO. 3 OF 2016**

|                               |                |
|-------------------------------|----------------|
| Subhash S.Sawant              | .. Petitioner  |
| Vs.                           |                |
| State of Maharashtra and ors. | .. Respondents |

Mr.Prabhakar Marpakwar a/w Mr.Bhavesh Parmar & Mr.Vijay Prakash Yadav i/b Mr.Devmani Shukla, for Petitioner.  
Mr.J.P. Yagnik, AGP, for State.  
Mr.Rohan Cama a/w Mrs.Sapana Rachure i/b T.N. Tripathi & Co., for Respondents No. 5 & 6.

**CORAM : B.R.GAVAI &  
M.S.KARNIK, JJ.**

**DATE : 12<sup>th</sup> SEPTEMBER, 2017**

**P.C. :**

1. The present Contempt Petition has been filed by the petitioner alleging that the respondents have committed criminal contempt of this Court. Mr. Marpakwar learned Counsel on behalf of the petitioner submits that one news item was published by newspaper namely 'Navakal' on 29/10/2014 and 30/10/2014 pursuant to which respondent No. 6 – Bank had issued show cause notices to the petitioner. He further submits that the Suit was also filed for defamation and damages. In the said Suit, affidavit came to

be filed on 18/02/2015. In the said Suit, initially the petitioner was not made a party respondent.

2. It is submitted that in the meantime, the petitioner had filed Public Interest Litigation alleging the illegality committed by respondent No.6 – Bank. It is submitted that in the said PIL, affidavit came to be filed on 18/02/2015. Perusal of the affidavit shows that the respondents were very well aware about the news item being published at the instance of the present petitioner.

3. It is submitted that however, subsequently in the Suit, Chamber Summons was taken out for impleading the present petitioner as party respondent. In the said Suit, affidavit came to be filed on 30/11/2015. It is submitted that the counter allegation of the petitioner regarding delay, affidavit was filed by respondent No. 4 stating therein that he had recently come to know that news paper report was published at the behest of the present petitioner.

4. Mr. Marpakwar therefore submits that making a false statement on oath and thereby persuading the Court to implead the present petitioner as defendant in the said Suit would squarely within

the meaning of “Criminal Contempt of Court.”

5. It is pertinent to note that learned Advocate General has specifically rejected the permission for filing of Contempt Petition.

6. We find that the affidavits in both the proceedings are filed by different officers of the Bank. In Public Interest Litigation, it is filed by respondent No.5 whereas in the Suit it is filed by respondent No.4. Assuming for a moment that the statement made in the subsequent affidavit filed in the Suit is factually incorrect, we are of the considered view that it would not fall within the definition of “Criminal Contempt” as defined under clause (c) of section 2 of Contempt of Courts Act. At the most it may amount to perjury for which an action is provided somewhere else.

7. In that view of the matter, we do not find that the case is made out for invoking contempt jurisdiction. Rejected.

**(M.S.KARNIK, J.)**

**(B.R.GAVAI, J.)**