

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL SUO MOTU CONTEMPT PETITION NO.3 OF 2016

High Court on its own Motion	.. Applicant.
Vs.	
Shaila Balasaheb Chore	.. Respondent.

Mr. Vinod N. Tayade for the Respondent.
Ms. Ashwini A. Takalkar APP for the State.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 3RD APRIL, 2017

P.C.

1. On the basis of the order dated 25th July, 2016 passed by the learned Single Judge, a notice of criminal contempt was ordered to be issued to the petitioner. After the service of notice, the contemnor filed an affidavit dated 13th February, 2017. Though she purported to tender an unconditional apology for making the allegations against the learned Additional Sessions Judge, Pune there was certain justification incorporated in the said affidavit.

2. The contempt notice has been issued to the contemnor on the basis of the letter dated 15th April, 2016 addressed by the contemnor to the Registrar Judicial of this Court as well as the letter dated 5th May, 2016 addressed to the Hon'ble the Chief Justice of this Court making allegations of the corruption against the Additional Sessions Judge, Pune.

3. The contemnor is the first informant in C.R.No.70 of 2016 registered at Shivaji Nagar police station alleging offences punishable under Section 376, 323 and 506 of the Indian Penal Code. The learned Additional Sessions Judge allowed the application for anticipatory bail filed by the accused. The anticipatory bail was granted on 23rd March, 2016. We may note here than on 5th April, 2016, the Assistant Police Inspector of Shivajinagar police station applied for cancellation of the anticipatory bail. The learned Additional Sessions Judge by the order dated 12th May, 2016 allowed the application for the cancellation of bail and proceeded to cancel the anticipatory bail granted to the accused. After the order dated 12th May, 2016 was passed, the accused moved this Court by filing an application for Anticipatory Bail being Criminal Application No.957 of 2016. While setting aside the order dated 12th May, 2016, by his order dated 25th July, 2016 the learned Single Judge issued a notice of the criminal contempt against the respondent - contemnor.

4. Today, in the morning session, an affidavit is tendered by the contemnor, who is personally present in the Court. By the said affidavit, she has again tendered an unconditional apology. In paragraph 3, she has tendered an unconditional apology to the learned Additional Sessions Judge against whom she had made the objectionable allegations. In the afternoon, another affidavit is

tendered by the contemnor which contains an undertaking that she will not make any allegations against any Judicial Officer in connection with the trial pending before the Sessions Court on the basis of the first information report lodged by her. A copy of the letter dated 1st April, 2017 addressed by her to the learned Additional Sessions Judge which was sent by the Registered Post, A.D., is also annexed. By the said letter, the contemnor has informed the learned Judge that the allegations were made by her on the basis of hearsay information. The contemnor has tendered an unconditional apology to the learned Judge. We may note here that the learned Judge has already superannuated. The learned counsel appearing for the contemnor invited our attention to paragraph 4 of the affidavit tendered in the morning session today. He pointed out that the contemnor is employed in Jupiter hospital and her monthly salary is Rs.17,000/-. The learned Advocate pointed out that the siblings of the contemnor are solely depending upon her for completing their education.

5. After having perused the allegations made by the contemnor in the letter dated 15th April, 2016 as well as the letter dated 5th May, 2016, we are satisfied that the allegations made therein tend to scandalize the learned Sessions Judge and that the allegations tend to lower the authority of the learned Sessions Court. They also tend to interfere with the due course of justice. We have, therefore, no manner of doubt that the allegations

constitute a criminal contempt.

6. The two affidavits tendered today show that now the contemnor has shown remorse. She has tendered an unconditional apology to the Sessions Judge against whom she had made the allegations. Apart from tendering the unconditional apology to this Court, she has accepted that the allegations were made on the basis of hearsay information and she has undertaken to this Court, not to make such allegations against any Judicial Officer in future.

7. It appears from the affidavit that the contemnor is the sole bread earner for her family. It is only in the light of statements made in the affidavit filed today that we are inclined to accept the unconditional apology tendered by the contemnor. The undertaking given in the second affidavit tendered today deserves to be accepted. The affidavits tendered today are taken on record and are marked 'A-1' and 'A-2' for identification.

8. Though by accepting an apology and by showing leniency, we are dropping the notice issued to the contemnor, she will have to be saddled with the costs of Rs.5,000/- which will be payable to the Pune District Legal Services Authority within a period of one month from today. Accordingly, we dispose of suo motu contempt petition by passing the following order :

(i) An unconditional apology tendered by the contemnor to this

Court as well as to the learned Additional Sessions Judge, Pune is hereby accepted;

(ii) We accept the undertaking of the contemnor, in the affidavit/undertaking marked as 'A-2' for identification;

(iii) Contempt Notice issued to the contemnor dated 25th July, 2016 is hereby discharged;

(iv) We direct the petitioner to pay the costs quantified at Rs.5,000/- to the Pune District Legal Services Authority within a period of one month from today;

(v) Suo Motu Contempt Petition is disposed of.

(vi) For reporting the compliance with the payment of costs, Contempt Petition shall be listed under the caption of "For directions" on 4th May, 2017.

(A.K. MENON, J.)

(A.S. OKA, J.)