

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 513 OF 2014
IN
CRIMINAL WRIT PETITION NO. 3795 OF 2012

Mr. Sunil Dayal Rajani	...	Applicant
Vs.		
Mr. Rajesh Ramji Savla & Ors.	...	Respondents

Mr. Sunil D. Rajani, Petitioner in person present.
Mr. Kunal Waghmare for respondent No.2 – BMC.
Mr. S.R. Agarkar, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 3rd April, 2017.

P.C.

By this Application, the complainant is praying that this Court may take suo motu cognizance of the contempt of Court committed by Org. petitioner/respondent No.1 in Writ Petition No.3795 of 2012 and proceed against him under the provisions of the Contempt of Courts Act, 1971. Prayer (a) of the Application is as follows:-

“a. *The Org. Petitioner/Respondent No.1 may kindly be prosecuted and tried and punished as per section 195 of IPC read with 340 of Cr.P.C.*

2. The complainant appearing in person fairly submits that Writ Petition

No.3795 of 2012 was dismissed by this Court (Coram: M.L.Tahaliyani, J.) vide order dated 22.8.2014. It was observed by this Court that the writ petition was filed without availing the provisions under Section 397 of Cr.P.C. The complainant fairly submits that as on today, he has no knowledge as to whether the respondent – Rajesh Ramji Savla has taken any appropriate proceedings before the Sessions Court. According to the complainant, an incorrect averment was made in Writ Petition No.3795 of 2012 contending therein that the Municipal Corporation has not taken any action against the complainant and is making every effort to protect the complainant. The applicant in person submits that this is not the true and correct state of affairs. he submits that he has no role to play in the action being taken by the Commissioner against respondent No.1. The statement made by the complainant appears to be genuine. It may not be a case where an enquiry could be contemplated under Section 340 of Cr.P.C. It is submitted that the complainant had to go through a mental trauma because false and misleading allegations were levelled by respondent No.1 before the Courts of law. That considering the nature of the averments made in Writ Petition No.3795 of 2012, it appears to this Court that respondent No.1 was unnecessarily involving the present applicant as he had no concern with whatever action was being taken against respondent No.1. The

applicant in person submits that he has a clear conscience that he has not caused any damage to anybody through the Commissioner or any other authority and, therefore, for the time being, he would not waive the allegations, but would choose to forgive respondent No.1 in the interest of justice. It is submitted by the applicant in person that in fact it was the respondent No.1 who had filed applications on the basis of which action was initiated against the applicant. The applicant submits that he has caused no damage to respondent No.1 and had taken the allegations levelled against him seriously and, therefore, had filed the present Criminal Writ Petition.

3. The Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)