

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL CONTEMPT PETITION NO. 7 OF 2016
 (SUO MOTU ...VS. SATISH MAHADEORAO UKE)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

 Court's or Judge's orders

CORAM : P.B.VARALE AND Z.A.HAQ, JJ.
DATED : FEBRUARY 08, 2017.

CRI. APPLN. (APPCP) NO. 5 OF 2017

Heard Satish Mahadeorao Uke in person.

By this application Satish Mahadeorao Uke has prayed that certificate under Article 132(1)/ 133(1)(a)/(b)/(c) of the Constitution of India be granted to enable him to prefer appeal to the Hon'ble Supreme Court against the order passed by this Court in *Suo Motu* Criminal Contempt Petition No. 7 of 2016 on 1st February, 2017. By the order passed on 1st February, 2017 this Court issued notice to Satish Mahadeorao Uke to show cause why the proceedings for criminal contempt on the draft charges as framed in the judgment given in Civil Revision Application No. 26 of 2016 should not be initiated against him.

Satish Mahadeorao Uke has not been able to point out that a substantial question of law regarding interpretation of Constitution is involved with necessitated grant of certificate under Article 132 of the Constitution of India. Similarly, Satish Mahadeorao Uke has not been able

to point out that any substantial question of law of general importance is involved in the challenge proposed to be made by him which necessitates grant of certificate under Article 133 of the Constitution of India.

Criminal Application No. 5 of 2017 is dismissed.

CRI.APPLN.(APPCP) NO.4/2017

Heard Satish Mahadeorao Uke in person.

By this application Satish Mahadeorao Uke prays that he be granted eight weeks' time to comply with the order passed by this Court on 1st February, 2017 and, to file proceedings before the Hon'ble Supreme Court. Satish Mahadeorao Uke intends to challenge the order passed by this Court on 1st February, 2017.

By the order passed on 1st February, 2017 notice is issued to Satish Mahadeorao Uke to show cause why the proceedings for criminal contempt on the draft charges as framed in the judgment given in Civil Revision Application No. 26 of 2016 should not be initiated against him. The judgment in Civil Revision Application No. 26 of 2016 is delivered on 6th June, 2016. Satish Mahadeorao Uke was applicant in Civil Revision Application No. 26 of 2016 and is aware that the learned Single Judge (Shri R.K. Deshpande, J) had directed issuance of notice to him to show cause why the proceedings for criminal contempt should not be instituted against him for the draft charges framed in the order dated 6th June, 2016. Satish Mahadeorao Uke was aware that the notice was made returnable on 1st August, 2016.

Suo Motu Criminal Contempt Petition is registered and is listed before the Court on 18th July, 2016, 26th July, 2016, 2nd August, 2016, 5th August, 2016, 9th August, 2016, 16th August, 2016, 22nd November, 2016, 7th December, 2016, 11th January, 2017, 25th January, 2017 and 1st February, 2017.

Satish Mahadeorao Uke attended the matter on all the dates. Various applications are filed and submissions are made which are considered. As the orders passed by the Court show, Satish Mahadeorao Uke is avoiding to file reply and is protracting the matter. Still an opportunity was given to him on 1st February, 2017 to file reply. Instead of availing the opportunity and filing the reply giving his explanation, Satish Mahadeorao Uke has filed 3 applications after the order is passed on 1st February, 2017. Considering the conduct of Satish Mahadeorao Uke and the nature of the controversy, the prayer as made in this application is rejected.

At this stage, Satish Mahadeorao Uke has submitted that reply to the show cause notice is not filed as he has filed Criminal Application No. 4 of 2016 in *suo motu* Criminal Contempt Petition No. 7 of 2016 seeking leave to file review application. It is pointed out that along with this Criminal Application No. 4 of 2016 review application which he proposes to file is also placed on record.

Criminal Application No. 4 of 2016 along with the proposed review application is filed on 13th July, 2016. The order passed by this Court on 9th August, 2016 is relevant and is as follows:

“Shri Uke fairly states that grounds for review may constitute grounds of his defence while answering the charge of contempt.

In view of this fair statement, we find it appropriate to consider Criminal Application Nos. 4/2016 and 5/2016 while hearing contempt petition on merits. Applications are accordingly kept pending.

Put up Criminal Application No.8/2016 on 12/8/2016.”

This shows that on 9th August, 2016 Satish Mahadeorao Uke represented that Criminal Application No. 4 of 2016 be taken up for consideration at the time of hearing contempt petition and now he comes with excuse that he has not filed reply awaiting orders on Criminal Application No.4 of 2016.

On query, Satish Mahadeorao Uke submitted that he will require time of about 6 to 8 weeks to file his reply as he will have to place on record the documents which run into about 1000 pages.

The explanation given by Satish Mahadeorao Uke is recorded and **rejected**.

Criminal Application No. 4 of 2017 is **dismissed**.

CRI.APPLN.(APPCP) NO.3/2017

Heard Satish Mahadeorao Uke in person.

By this application Satish Mahadeorao Uke has prayed that the proceedings of the Court be video recorded. Satish Mahadeorao Uke has given the background because of which this application is filed. He has stated that this Court had asked him on 1st February, 2017 whether he wants video recording of the Court proceedings and therefore, he has moved this application. However, he has not brought on record some facts because of which it was asked whether Satish Mahadeorao Uke wants that the proceedings of the Court be video recorded.

In the order passed on 1st February, 2017 some background is recorded which led to issuance of show cause notice to Satish Mahadeorao Uke. The order passed on 1st February, 2017 shows that Satish Mahadeorao Uke has been making accusations against the sitting Judges also. As *suo motu* criminal contempt proceedings are registered against him he was asked whether he would like to engage a lawyer and as he avoided to give clear answer, we asked him to make his submission in writing. Satish Mahadeorao Uke sought time to file application, however, as we were of the view that he is protracting the matter we refused to grant adjournment and asked him to put his say in writing and we expressed that we will wait for some time so that he puts his say in writing and when he started writing the application it was noticed that he had taken out his cellphone from his pocket and because of it we asked him whether he wanted to record the Court proceedings.

Be that as it may, as we find that the matter is serious and Satish Mahadeorao Uke who is facing charge of criminal contempt is in the habit of making accusations

against the concerned Judge who is hearing the matter, we feel it proper that the proceedings of the Court should be video recorded.

The Registrar (Administration) shall make arrangements for video recording the proceedings of the Court of *suo motu* Criminal Contempt Petition No. 7 of 2016 and connected matters which are taken up by this Court on all the dates until further orders.

For the present, the charges of video recording will be borne by the State of Maharashtra subject to further orders that may be passed later on.

Criminal Application No. 3 of 2017 is **disposed** in the above terms.

CRI.APPLN.(APPCP) NO.1/2017

Heard Satish Mahadeorao Uke in person.

By this application Satish Mahadeorao Uke seeks leave / permission to make communication with Member of Parliament or Parliament Machinery or to file petition/ request before the Parliament.

In the application it is not stated against whom he intends to move such an application/ petition. Therefore, we made a query in that regard and he pointed out from the application that it is in respect of certain observations / conclusions in the judgment given in Criminal Application (Revision No. 50/2014). As the copy of the judgment given in

Criminal Revision Application No. 50 of 2014 is not annexed by him along with Criminal Application No. 1 of 2017, we enquired about it and then he showed the judgment which is delivered by one of us (P.B.Varale, J).

Looking to the averments in the application and as we have passed orders on Criminal Application No. 3 of 2017 directing that the proceedings of this Suo Motu Criminal Contempt Petition Court be video recorded from the next date, we propose to consider this application on the next date.

SUO MOTU CRI. CONTEMPT PETITION NO.7/2016.

Though Satish Mahadeorao Uke is appearing before this Court since 18th July, 2016 and though he is aware that he is required to file reply to the show cause notice, he has not filed detailed reply till date.

After considering the reply filed by Satish Mahadeorao Uke on 6th December, 2016 and considering the facts and draft charges framed by the learned Single Judge in paragraph No.43 of the judgment given in Civil Revision Application No. 26 of 2016 on 6th June, 2016, we are of the view that the proceedings for criminal contempt are required to be initiated against Satish Mahadeorao Uke.

Issue notice to Satish Mahadeorao Uke, aged about 37 years, Occupation : Advocate, Resident of Parvati Nagar, Nagpur – 440 027, in Form No.I under the Rules to regulate proceedings for contempt under Article 215 of the Constitution of India and the Contempt of Courts Act, 1971 under Chapter XXXIV of the Bombay High Court Appellate Side Rules, 1960.

Satish Mahadeorao Uke shall explain why he should not be punished for the charges framed against him. The charges which Satish Mahadeorao Uke is required to answer are as follows :

- (1) You, Satish Mahadeorao Uke, have instituted various civil and criminal proceedings in this Court, against the sitting Judges of this Court, the officers of this Court, including lawyers and the Registrar, as are pointed out in this order, which are frivolous and vexatious and thereby you have committed an act of abuse of process of the Court, amounting to contempt of Court.
- (2) You, Satish Mahadeorao Uke, have made statements of facts before this Court recorded in the orders dated 20.4.2016 and 25.4.2016 and contained in Civil Revision Application No.26 of 2016 and the pursis Stamp Nos.5462 of 2016 and 5811 of 2016, which you knew and believed to be false, so as to browbeat the Court on the basis of a false case of recusal and indulging in the activity of bench-hunting.
- (3) In various litigations as are instituted and the publications, which are referred to in the order (in Civil Revision Application No. 26 of 2016) you, Satish Mahadeorao Uke, have used wild, intemperate, unfounded, unwarranted and irresponsible allegations

scandalizing the Court and making a scurrilous attack on the Judges in person and the officers of the Court, including the Government Pleader, other lawyers, and the Registrar at the Bench at Nagpur of the Bombay High Court. The allegations are made with the object, intent and motive of maligning the reputation of the Judicial Officers of the Court resulting in interference in the course of justice and the administration of law by the Courts, which amounts to contempt of Court.

- (4) You, Satish Mahadeorao Uke, have misconducted yourself and indulged in activities with intention of scandalising and lowering the authority of this Court.
- (5) You, Satish Mahadeorao Uke, have misconducted yourself and indulged in activities prejudicial to the course of judicial proceedings and interfering and obstructing the administration of justice.

This Court by order passed on 18th July, 2016 directed Satish Mahadeorao Uke to furnish personal bond in the sum of Rs.1,00,000/- as security to assure that he remains present on all the dates of hearing of this *suo motu* criminal contempt petition and connected matters. This Court directed Satish Mahadeorao Uke to furnish an independent surety in the sum of Rs.51,000/-. In compliance with this order Satish Mahadeorao Uke has furnished solvent surety in respect of agricultural land bearing P.H. No. 12A,

Khasra No. 105, situated at Mouza : Bhokhara, Tahsil and District : Nagpur. While examining the affidavit filed by Satish Mahadeorao Uke vide Stamp No. 476 of 2017 in compliance of the order passed by us on 1st February, 2017 he stated that there is some encroachment over this property and a dispute in this respect is going on with his neighbour whose name is not disclosed by him and he has shown his inability to give his name.

Be that as it may, as Satish Mahadeorao Uke himself has stated that there is dispute in respect of the property of which solvency certificate is furnished, we are constrained to modify the order passed on 18th July, 2016.

It is submitted by Satish Mahadeorao Uke that the Solvency Certificate in respect of Khasra No.105 is placed on record by him on his own and not in compliance with the order passed on 18th July, 2016.

Be that as it may, as we have initiated contempt proceedings, following order is passed :

Satish Mahadeorao Uke shall furnish cash security of Rs.2,00,000/- (Rs. Two Lakh only) by depositing the amount with the Registry of this Court till 22nd February, 2017.

It is further directed that Satish Mahadeorao Uke shall not deal with the properties referred in his affidavit Stamp No. 476 of 2017, until further orders, without seeking prior permission of this Court.

Satish Mahadeorao Uke may file his reply till 22nd February, 2017.

List the petition for further consideration on 22nd February, 2017 at 2.30 p.m.

Satish Mahadeorao Uke shall remain present before this Court on 22nd February, 2017 at 2.30 p.m. even if notice issued pursuant to this order is not served on him, as he is aware about this order.

Registrar (Administration) shall take steps to see that the proceedings of this *suo motu* criminal contempt petition and connected matters are video recorded on 22nd February, 2017.

JUDGE

JUDGE