

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

CRIMINAL APPLICATION (APPCP) NO. 17 OF 2017
IN
SUO MOTU CRI. 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 : APRIL 07, 2017.

This application is filed by the contemnor-Satish Mahadeorao Uke requesting that copy of video recording of the proceedings be furnished to him or his agent or duly authorized representative. Neither the contemnor is present nor he is represented by anybody.

Heard Ms Ketki Joshi, learned Additional Public Prosecutor for the State of Maharashtra.

The contemnor claims the copy of video recording on the ground that it is his fundamental right to get the copy of video recording. The contemnor has not shown how it is his fundamental right to ask for the copy of video recording. The contemnor has not pointed out any other reason showing the necessity for furnishing the copy of video recording to the contemnor. The copy of video recording cannot be furnished to the contemnor only to be misused for his ulterior motives. Unless the contemnor satisfies that the copy of the video recording is required for some bonafide purpose, the prayer as made in this application cannot be granted.

Right from the beginning, the *modus operandi* of the contemnor is to file some frivolous applications. Again same thing is repeated by the contemnor by filing the present application and neither contemnor nor any lawyer who have filed Vakalatnama for the contemnor are present to assist the Court for deciding the application.

We find that the application is filed without any bonafides. Therefore, the application is dismissed with costs quantified at Rs.Ten Thousand, to be recovered from contemnor-Satish Mahadeorao Uke.

CRI.APPLN.(APPCP) NO. 18/2017.

This application is filed on behalf of the contemnor-Satish Mahadeorao Uke praying that the judgment and order passed in Suo Motu Criminal Contempt Petition No.7 of 2016 on 28th February, 2017 be recalled / reviewed and the order passed in Civil Revision Application No. 26 of 2016 on 6th June, 2016 by learned single Judge be declared as null and void.

The application does not disclose the provisions under which the prayers made by the contemnor can be considered. Neither the contemnor nor any advocate who have filed Vakalatnama on behalf of the contemnor are present to assist the Court.

The facts on record show that the contemnor-Satish Mahadeorao Uke is avoiding the process of law. The contemnor who himself happens to be an advocate appeared and argued himself Suo Motu Criminal Contempt Petition No.

7 of 2016, till 22nd February, 2017, however, when he found that all his attempts to protract the matter were not working he stopped attending / appearing from 23rd February, 2017. On 23rd February, 2017 Vakalatnama of Shri B.S. Varma, Advocate, Shri N.Dixit, Advocate, Shri S. Wahane, Advocate, Shri Bijoy Kriahna Adhikari, Advocate, Shri C.V.Joveson, Advocate came to be filed. The hearing of the Suo Motu Criminal Contempt Petition No. 7 of 2016 was adjourned for 27th February, 2017. On 27th February, 2017 the office reported that Non-bailable Warrant issued against the contemnor-Satish Mahadeorao Uke could not be executed. The report submitted by Senior Police Inspector, Police Station, Ajni, Nagpur City dated 27th February, 2017 shows that the warrant could not be executed as Satish Mahadeorao Uke was not found at the places where in normal course he should have been found. We heard the matter in the absence of the contemnor and delivered the judgment convicting Satish Mahadeorao Uke.

The contemnor-Satish Mahadeorao Uke, who happens to be an advocate, has not shown bonafides and has not surrendered voluntarily and on the contrary is avoiding the process of law as reflected by the facts on record. The office is directed to take consequential steps for execution of the judgment and order passed by this Court on 28th February, 2017 sentencing the contemnor-Satish Mahadeorao Uke.

Another Criminal Contempt Petition No.2 of 2017 is registered against Satish Mahadeorao Uke. The learned Additional Public Prosecutor informs that in those proceedings also the bailable warrant is issued to secure the

presence of Satish Mahadeorao Uke, however, it could not be executed as Satish Mahadeorao Uke could not be found at his residence and his family members have shown unawareness about his whereabouts.

The affidavit which is sworn in support of Criminal Application No.18 of 2017 shows that it is sworn before Shri R.S. Kakad, Advocate High Court & Notary Government of India, Mumbai. In paragraph 1 of the affidavit, it is disclosed that Satish Mahadeorao Uke is convicted under the Contempt of Courts Act, 1971 and is sentenced to undergo simple imprisonment for two months and to pay fine of Rs.Two Thousand. With these facts, the Notary should have inquired from Satish Mahadeorao Uke the details in the matter and unless satisfied that Satish Mahadeorao Uke is not avoiding the process of law or is not an absconder, the affidavit of Satish Mahadeorao Uke should not have been got sworn by the concerned Notary. Not only this, the affidavit shows that it is solemnly affirmed at Nagpur but the seal of the Notary shows his address at Mumbai.

In this background, we are constrained to issue notice to Shri R.S. Kakad, Advocate High Court & Notary, Government of India, 26/1823, 1st Floor, Samadhan Chs. Ltd., Abhyudaya Nagar, Kalchowki, Mumbai-400 033 to show cause why directions should not be issued for cancelling his licence of Notary. We grant time till 21st April, 2017 to enable Shri R.S. Kakad to file his reply before this Court.

If Shri R.S. Kakad feels it necessary to make submissions himself or through an advocate he can do so on the next date.

Similarly, we find that the presentation form along with which this application is presented is signed by Shri V.D. Jagtap, Advocate. After examining the record our Sheristedar informed that Vakalatnama of Shri V.D. Jagtap is not on record. As recorded earlier, the contemnor-Satish Mahadeorao Uke is avoiding the process of law.

Shri V.D. Jagtap, Advocate is supposed to know the background of the case when he has filed application on behalf of the contemnor. Shri V.D. Jagtap, Advocate could not have presented the application without Vakalatnama i.e. without due authorization by the party he wants to represent.

Shri V.D. Jagtap, Advocate is not present when the matter is called out. As recorded earlier, it has been *modus operandi* of the contemnor-Satish Mahadeorao Uke to file frivolous applications. In the order passed on 8th March, 2017 we have recored that the conduct of Shri R.R. Nair, Advocate who represented the contemnor on 8th March, 2017 and the conduct of the contemnor gives an impression that either contemnor or his advocate is trying to take the Court for a ride. The impression which we carried on 8th March, 2017 is fortified by the conduct of the contemnor and Shri V.D. Jagtap, Advocate.

In this situation, we are constrained to issue notice to Shri V.D. Jagtap, Advocate, 63, Rahtekar Wadi, Mahal Road, Mahal, Nagpur-440032 (abv.vjagtap@gmail.com Mobile No.9325174093, Advocate Code No.3321) to show cause why his conduct, which is not befitting as an advocate, should not be reported to the Bar Council of Maharashtra and Goa for disciplinary action against him.

We grant time till 21st April, 2017 to enable Shri V.D. Jagtap, Advocate to file his reply, if he intends to file. If Shri V.D.Jagtap, Advocate intends to make submissions he may do so personally or through an Advocate on the next date.

The notice shall be served on Shri R.S.Kakad, Notary and Shri V.D. Jagtap, Advocate through Police Machinery and by any other mode, including electronic mode.

The learned Additional Public Prosecutor shall inform the concerned to take timely action in the matter. The learned Additional Public Prosecutor is requested to intimate this order to Shri R.S. Kakad, Notary and Shri V.D. Jagtap, Advocate by sending E-mail/ Fax or send text message on their cellphones intimating them about this order.

List the matter for further consideration on **21st April, 2017** at 2.30 p.m.

(Z.A.HAQ, J.)

(P.B.VARALE, J.)