

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

CRIMINAL APPLICATION (APPCP) NO.3 OF 2016

IN

CRIMINAL CONTEMPT PETITION NO.7 OF 2016

(Arising out of Civil Revision Application No.26 of 2016)_

(SUO MOTU (COURT'S ON ITS OWN MOTION...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

Ms Ketki Joshi, A.P.P. for State.
Shri Satish Mahadeorao Uke in person.

CORAM : Z.A.HAQ AND
V.M.DESHPANDE, JJ.

DATED : FEBRUARY 06, 2019.

The learned single Judge of this Court while deciding Civil Revision Application No. 26 of 2016 issued certain directions as follows:

“(1) Issue notice to the applicant-Satish Mahadeorao Uke to show cause as to why the proceedings for criminal contempt should not be instituted against him for the draft charges framed in this order? Notice is made returnable on 1-8-2016.

(2) This order be placed before Hon'ble the Chief Justice of Bombay High Court in terms of clauses 5(f) and 5(g) of the Rules under Chapter XXXIV of the Bombay High Court Appellate Side Rules to constitute the appropriate Division Bench, as required by Section 18 of the Contempt of Courts Act, to take cognizance of the act of contempt of Court by treating this order itself as a petition for contempt of Court, in accordance with law and Satish Mahadeorao Uke be shown as the contemnor.

(3) The Division Bench assigned with the matter may consider the question of taking Satish Mahadeorao Uke in judicial custody pending the decision of the contempt proceedings to prevent him

from instituting such proceedings and/ or publicizing the allegations against sitting Judges, officers of this Court, including lawyers practicing in this Court, so as to cause an embarrassment and interference in the course of justice.

(4) During the pendency of the proceedings before Hon'ble the Chief Justice and/or before the Division Bench of this Court for taking decision on the cognizance of contempt of Court, the applicant-Satish Mahadeorao Uke, who shall be the contemnor, is restrained from instituting any proceeding either himself or through anyone else to perpetuate the act of contempt of Court alleged in the draft charges framed in this order, and/ or to approach any public communication system, including the newspaper and the media for publication of the allegations covered by the draft charges framed in this order.

(5) The Registry of this Court in the Principal Bench and the other Benches of this Court is directed not to entertain any litigation at the instance of the Satish Mahadeorao Uke involving the Registry of this Court, the sitting Judges of this Court, and other officers of this Court, including any lawyers practising in this Court, without an application for leave to institute such proceedings filed in this proceeding for contempt of Court. If such application is made, the office shall place the matter either before Hon'ble the Chief Justice if the matter is pending with him or before the appropriate Division Bench seized of the matter of contempt for passing appropriate orders.

(6) It is made clear that the Registry of this Court is not prevented from entertaining any petition, application, etc. at the instance of Satish Mahadeorao Uke in respect of the matters not related to the draft charges levelled in this order.

(7) The ad interim orders in terms of clauses (4) and (5) above, shall operate from today, i.e. 6-6-2016, and the same shall continue to operate till the decision on it by the Division Bench. All the aforesaid ad-interim orders are subject to further orders to be passed by the Division Bench, which shall be assigned this matter by Hon'ble the Chief Justice. Unless the orders are varied, the same shall continue to operate pending these proceedings."

Accordingly, *suo-motu* Criminal Contempt Petition No.7 of 2016 was registered against the applicant-Satish Mahadeorao Uke. This *suo-motu* criminal contempt petition is disposed by this Court by order dated 27/28th February 2017. The applicant-Satish Mahadeorao Uke is convicted and sentenced to undergo simple imprisonment for two months and to pay fine of Rs.Two Thousand, and in default of payment of fine to undergo simple imprisonment for fifteen days. This order was challenged by the applicant-Satish Mahadeorao Uke before the Hon'ble Supreme Court in Criminal Appeal No.1425 of 2017 which was dismissed on 8th August 2017.

Then the applicant filed Review Petition (Criminal) No. 445 of 2017 in Criminal Appeal No. 1425 of 2017 which is pending before the Hon'ble Supreme Court. On 7th February 2018, the Hon'ble Supreme Court passed an order on R.P. (Crl.) No. 445 of 2017 recording the request made on behalf of the applicant that he wanted to tender unconditional apology to the High Court and withdraw all the allegations made by him. The Hon'ble Supreme Court permitted the applicant to move this Court.

The applicant-Satish Mahadeorao Uke had filed Criminal Application No.3 of 2018, tendering apology. This application is dismissed by us by order dated 23rd January 2019.

The applicant-Satish Mahadeorao Uke, who appears in person, has submitted that the order passed by this Court in *suo-motu* Criminal Contempt Petition No.7 of 2016

cannot be executed in view of the protection granted by the Hon'ble Supreme Court.

The learned Additional Public Prosecutor has pointed out that the order passed by the Hon'ble Supreme Court on 14th December 2017 only exempts the applicant from surrendering.

Now, the applicant seeks leave to file application praying for review of the order passed by the learned single Judge on Civil Application No.993 of 2015 in Election Petition No.1 of 2014 on 19th August 2015. In this Criminal Application No.3 of 2016, initially certain allegations were made against the learned single Judge. However, the applicant moved an application seeking permission to delete all adverse allegations made against the learned single Judge and that application is allowed on 16th January 2019.

Be that as it may, in our view, it would be appropriate to defer the hearing of Criminal Application No.3 of 2016 till decision of Review Petition (Cri.) No. 445 of 2017 in Criminal Appeal No. 1425 of 2017.

The applicant or the State may circulate the Criminal Application No. 3 of 2016 immediately after orders are passed in Review Petition (Criminal) No. 445 of 2017.

(V.M.DESHPANDE, J.)

(Z.A.HAQ, J.)