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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO.137 OF 2018
IN
CRIMINAL WRIT PETITION NO.472 OF 2014**

Nivrutti s/o Sopan Mali,
Age: 55 years, Occ: Agri.,
R/o. Kati, Tal. Tuljapur,
Dist. Osmanabad.

..PETITIONER

VERSUS

1. PANKAJ DESHMUKH,
The Superintendent of Police,
Osmanabad, Dist. Osmanabad.
2. The Police Inspector,
Police Station Osmanabad
Tq. Tuljapur, Dist. Osmanabad.
3. The Police Inspector,
Nitin Mirkar,
Police Station Tamalwadi,
Tq. Tuljapur, Dist. Osmanabad. ..RESPONDENTS

Mr V.H. Pathade, Advocate h/f Mr H.B. Pawar,
Advocate for petitioner;
Mr K.S. Patil, A.P.P. for respondent No.1

**CORAM : PRASANNA B. VARALE &
SMT. VIBHA V. KANKANWADI, JJ.**

DATE : 28th FEBRUARY, 2018

ORAL ORDER :

This is a petition named and styled as Criminal Contempt Petition at the instance of the petitioner alleging that the respondents - authorities committed a wilful disobedience of the order of this Court dated 21st July, 2014 passed in Criminal Writ Petition No. 472 of 2014.

2. The statement is made in paragraph-22 of the petition that the respondents have wilfully disobeyed the order passed by this Hon'ble Court on dated 21/07/2014 in Cri.Writ Petition No.472/2014 to submit the report u/sec.156(3) of the Code of Criminal Procedure, 1973, in compliance with the order dated 06/03/2008 passed by the Ld. Judicial Magistrate, F.C. Tuljapur. The respondents are well aware about the order passed by this Hon'ble Court, relating to submit the report u/sec. 156(3) before the Ld. Magistrate, F.C. Tuljapur, and by not complying with the said order they have committed the contempt of the order passed by this

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Hon'ble court. Therefore, petitioner is constrained to file the present contempt petition under contempt of courts act. Therefore, the Respondents are liable to be punished as per the provisions of the contempt of Courts Act.

3. Thus, the grievance is of a wilful disobedience of the order of this Court. The order of this Court dated 21st July, 2014 shows that the petitioner was before this Court seeking direction to the respondent – authorities to submit the report under Section 156(3) of the Code of Criminal Procedure, as per the order dated 6th March, 2008 passed by learned Judicial Magistrate, F.C. Tuljapur, Dist. Osmanabad in Criminal Case No.56 of 2008 or to submit charge sheet forthwith. Then the order reads that this Court directed to submit the report within period of three weeks from the date of order making it very clear further that in case, same is not already filed. (emphasis supplied).

4. Now, the petitioner himself has placed on

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record the communication forwarded by Incharge Officer of Police Station, Osmanabad dated 3rd January, 2015 thereby informing that in the same matter namely Criminal Misc. Application No. 56 of 2008 'C' Summary final report is already submitted to the Court by communication No.89 of 2009 Outward No.2491 of 2009 and this communication is of 14th December, 2009. Thus, what reveals from this communication is, communication was forwarded and in the Court it was filed on 7th January, 2015. This fact was in the knowledge of the petitioner and this knowledge is reflected from the material placed on record alongwith petition i.e. application dated 19th November, 2016 to learned Magistrate. The petitioner sought for copy of the C summary final report.

5. Now, there is also order passed by learned Magistrate dated 19th June, 2017 permitting the petitioner to take necessary steps. The petitioner, thus, was at liberty to take necessary steps including the filing objection petition if so

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advised on the backdrop of the order of Magistrate dated 19th June, 2017. The petitioner, without taking any such steps, is approaching this Court by filing present criminal contempt petition alleging that the respondents-authorities committed a wilful disobedience of the order of this Court. Thus, what reveals from the material referred to above, there is absolutely no wilful disobedience of the order dated 21st July, 2017. On the contrary, the petitioner, on erroneous assumption, presumption and on sheer misunderstanding approached this Court.

6. In view of these facts, the petition is disposed of.

(SMT. VIBHA V. KANKANWADI)
JUDGE

(PRASANNA B. VARALE)
JUDGE