

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.327 OF 2018
IN
WRIT PETITION NO.14213 OF 2017

SHIVAJI S/O EKNATH PAWAR
VS
BAJRANG S/O MANOHAR SONAWANE AND ORS.

Mr. VD Salunke, Adv. For petitioner

CORAM : P.R.BORA, J.

DATE : 4th May, 2018.

PER COURT :

1) Heard Shri V.D.Salunke, learned Counsel appearing for petitioner. It is the contention of the petitioner that the respondents had made a scandalous allegation against the Hon'ble Judge of this court in disregard to the Majesty of law only with a view to achieve concealed object best known to the said respondents.

2) Learned Counsel, inviting my attention to the order passed by this Court (Coram: V.K.Jadhav,J.) on 7th February, 2018 in Writ Petition No.14213/2017, submitted that the

conduct of the respondents revealed from the tenor of the said order is sufficient to initiate an action of contempt against them under the provisions of The Contempt of Courts Act, 1971 (for short the said Act). The learned Counsel read out the definition of 'criminal contempt' as defined under Section 2(c) of the said Act. The learned Counsel further submitted that the conduct of the present respondents falls in the acts as are enumerated in Section 2(c)(i),(ii) and (iii) of the said Act. The learned Counsel in support of his contentions relied upon the judgment of the Hon'ble Apex court in the case of Laila David Vs State of Maharashtra and Ors. - (2009) 10 SCC 337 and the judgment of the Division Bench of this Court in the case of High Court on Its Own Motion Vs. Dattatraya Narayan Samant and Anr - (2011) 3 BCR(Cri.) 1.

3) I have given due considerations to the submissions made by the learned Counsel. I have also perused the order dated 7th February, 2018

passed by Hon'ble Shri Justice V.K.Jadhav. On perusal of the said order, it does not appear to me that the acts as alleged against the respondents would fall in the category of the acts as are prescribed under clause 2(c)(i)(ii) and (iii) of the said Act. It appears that the respondents herein had instructed their counsel to submit before the Court that the said Court (Coram: V.K.Jadhav,J.) shall not take up Writ Petition No.14213/2017 for hearing. It further reveals that the Court had then directed the counsel to submit before the Court the contentions of the petitioners in writing under the signature of petitioner No.1 at 2.30 p.m. on the said day. The learned Counsel for the petitioner at 2.30 p.m. however submitted before the Hon'ble Judge that petitioner No.1 tenders his unconditional apology for making such statement before the Court. The order further reveals that Hon'ble Shri Justice V.K.Jadhav, in the circumstances, did not find it appropriate to take up the said matter for hearing and passed

the order that 'Not before the said Court'.

4) It has remained undisclosed as to why for such statement was made by the respondents that the said Court shall not take up the said matter for hearing. In fact, direction was given by the learned Judge to disclose the reasons, however, without disclosing such reasons the petitioners tendered their unconditional apology for making such statement.

5) From the order it cannot be gathered whether after tendering such unconditional apology anything more was communicated by the present respondents. However, the Hon'ble Judge himself in observance of high standards of ethics, recused himself from hearing the said matter.

6) From the facts, as aforesaid, it cannot be certainly said, as alleged by the learned counsel for the petitioner that it was the

intention of the respondents to anyhow get the said matter removed from the said court. As I noted herein above, though the respondents tendered their unconditional apology, impliedly meaning thereby that they were ready to go ahead with the matter before the said Court, Hon'ble Shri Justice V.K.Jadhav, in all fairness, passed the order as 'not before the said court'. As such, it does not appear to me that any case is made out by the present petitioner so as to initiate any action against the respondents. Hence, the following order, -

ORDER

. The contempt petition is rejected.

(P.R.BORA)
JUDGE

bdv/