

(1)

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

**CONTEMPT PETITION NO. 558 OF 2013  
IN  
CRIMINAL WRIT PETITION NO. 858 OF 2012**

Vasant s/o Sudam Patil,  
Age: 55 years, Occu: Government Service  
as Joint Commissioner and Vice Chairman,  
Scheduled Tribes Certificates Scrutiny  
Committee, Amravati Division,  
Amravati  
(At present under suspension),  
R/o: Flat No.1, Ground Floor,  
Karpoor Apartment, Opp. Nandanwan Lawns,  
Near Asaram Bapu Ashram,  
Date Nagar, Gangapur Road, Nashik,  
Taluka and District Nashik  
Pin Code – 422 013

..PETITIONER

VERSUS

1. The State of Maharashtra
2. Mr. Pravin Pardeshi,  
Age: about 49 years, Occu: Government  
Service, At present working as  
The Principal Secretary,  
Department of Forest,  
M.S., Mantralaya, Mumbai – 32
3. Mr. Rajesh Kumar,  
Age: about 50 years, Occu: Government  
Service, At present working as  
The Principal Secretary,  
Department of Water Supply and  
Sanitation, M.S., Mantralaya,  
Mumbai – 32
4. Mr. Vasant Khandappa Mahavarkar,  
Age: about 57, Occu: Government  
Service, then working as the Joint  
Commissioner and vice chairman,

(2)

Scheduled tribes certificates scrutiny committee at Aurangabad and presently the in charge commissioner, Tribal Research and Training Institute, 28, Queen's Garden, Pune-1

5. Balaji s/o Raghunath Sontakke,  
Age: about 46 years, Occu: Government Service, At present working as  
The Police Inspector,  
Kranti Chowk Police Station,  
Aurangabad, Taluka and  
District Aurangabad

..RESPONDENTS

Mr Rajendra Deshmukh, Advocate for petitioner;  
Mr K. S. Patil, A.P.P. for respondent No.1

**CORAM : PRASANNA B. VARALE****AND****SMT. VIBHA KANKANWADI, JJ.****DATE : 21st March, 2018****ORAL ORDER:**

The petitioner was before this Court with a prayer for initiating action against respondent Nos.2 to 5 for breaching of undertaking given to this Court, which was in the form of assurance on behalf of the State Government that the State would withdraw the First Information Report No.I-241 of 2012 dated 27th August, 2012, registered with Kranti Chowk Police Station, Aurangabad against the petitioner for offence punishable under Sections 218 and 420 of Indian Penal Code.

2. Mr Deshmukh, learned Counsel appearing for the petitioner fairly submitted that as a matter of fact, during the pendency of the petition, the

(3)

petitioner expired. But as the petitioner approached this Court for initiation of action for the contempt of this Court, certain other facts would be necessary to take note of.

3. Mr Deshmukh submitted that though as per the submission before this Court, the first information report was sought to be withdrawn, a notice was issued to the petitioner to attend the investigating officer. Thus, the petitioner was under impression that if notice is issued to him meaning thereby the agency till in the process of continuing with the investigation. Then Mr Deshmukh invited our attention to a reply filed on behalf of respondent No.5, namely, Balaji Raghunath Sontakke. He submits that it was submitted to this Court along with documents i.e. annexure Exh.R-1 dated 4<sup>th</sup> March, 2014 that the First Information Report No.241 of 2012 is withdrawn. As such 'A' summary finally was submitted before the competent judicial Court.

4. Mr Deshmukh then submitted that of late, it came to his notice through an information vide a status of the case before the learned Judicial Magistrate, Aurangabad and he also placed on record the copy of the status details. The document which is taken on record and marked 'X' for identification shows that the learned Magistrate accepted 'A' summary report as such, it is stated that the case is disposed of and in the nature of disposal shown as disposed of or otherwise.

(4)

5. In view of these facts, in our opinion, there is no need to pass any order in the present petition as the matter reached to its logical end.

6. The contempt petition is disposed of accordingly.

7. We appreciate the assistance of Mr Deshmukh, learned Counsel for petitioner to this Court by placing on record all the necessary factual aspects for consideration of this Court.

**(SMT. VIBHA KANKANWADI, J.)**

**(PRASANNA B. VARALE, J.)**

sjk