

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 12091 OF 2017
WITH
CIVIL APPLICATION NO. 793 OF 2018
IN
WRIT PETITION NO. 12091 OF 2017**

Sagar Rajabhau Suryawanshi ... Petitioner/Applicant
V/s.
State of Maharashtra & Ors. ... Respondents

Mr. Sagar M. Kursija for the Petitioner/Applicant.
Mr. Narendra V. Walawalkar, Senior Advocate a/w Mr. S.R. Nargolkar a/w
Ms. Sherrie Rebello a/w Mr. Omkar Ambedkar for Respondent No.2.
Mr. Sagar Rajabhau Suryawanshi, Petitioner/Applicant present in Court.

**CORAM : A.A. SAYED AND
V.L. ACHLIYA, JJ.**

DATE : 14th JUNE, 2018.

PC. :

1 Pursuant to the order dated 07.06.2018, the learned Counsel for the Petitioner has tendered an Affidavit of the Petitioner explaining why the Petitioner has changed his signature. The Affidavit states that he has changed his signature as per the advice of his Guru. On the query by the Court, learned Counsel for the Petitioner stated that the name of the Guru is Shri Santosh Koli alias Bal Maharaj, Ichalkaranji, Kolhapur, on whom he is stated to have hope and trust what the Petitioner has stated in the Affidavit is the truth and leave it that.

2 On 15.03.2018, during the pendency of the Petition, the Petitioner had addressed a letter to the Hon'ble the Chief Justice (Acting) which states as under :

*“ Applicant Most Respectfully Shweth as below,
That the above said Petition is pending before Bench of Hon'ble JJ A.A. Sayed and V.L. Achliya for directions to be issued as against Respondent Seva Vikas Cooperative Bank Ltd.*

It is pertinent to note that Mr. Ashok Mulchandani, Director of Seva Vikas Co-operative Bank held the post of District Government Pleader during the tenure of Hon'ble Justice V.L. Achliya presiding over as District Judge, Pune. Hence owing to friendly relations between Mr. Ashok Mulchandani and Hon'ble Justice V.L. Achliya it is in the interest of justice that the above said Petition may kindly be assigned to the Bench other than Hon'ble J. V.L. Achliya is a member.

Therefore it is humbly prayed that any order which Hon'ble Chief Justice deems fit in the interest of justice may kindly be passed.

Thanking you. ”

2 The Petitioner thereafter has realized his mistake and has tendered his unconditional apology in the form of an Affidavit dated 07.06.2018 which reads as follows :

“ The abovesaid Petitioner most respectfully do hereby state on solemn affirmation as under :

1. That at the outset I deeply regret and most humbly tender my unconditional unequivocal and unqualified apology to this Hon'ble Court for the letter dated 15.03.2018 which was written to the Hon'ble Chief Justice.

2. That it is submitted, the allegations made in the letter dated 15.03.2018 were based on misconception and

wrong information received to the Petitioner from some third person. It is submitted that recently Petitioner verified the same from the Pune District Court and came to know that the information that Petitioner had received is incorrect.

3. That it is submitted, during the tenure of Hon'ble Justice Shri. V.L. Achliya presiding over as District Judge, Pune Mr. Ashok Mulchandani, Director of Seva Vikas Co-operative Bank was not holding the post of District Government Pleader.

4. In view of the above stated facts and circumstances Petitioner deeply regret and most humbly tender its unconditional unequivocal and unqualified apology to this Hon'ble Court for the letter dated 15.03.2018 and also humbly seeks leave of this Hon'ble Court for unconditionally withdrawing the letter dated 15.03.2018 and also the allegation made in the said letter dated 15.03.2018.

5. That it is submitted with due respect that Petitioner have always had the deepest and highest regards for this Hon'ble Court and Petitioner humbly submit that it was never the intention of the deponent to undermine the majesty of this Hon'ble Court.

6. In view of the above facts and circumstances humble apology of the Petitioner be accepted and petitioner be allowed to withdraw letter dated 15.03.2018 and also the allegations made in the said letter. ”

3 From the aforesaid Affidavit it would be apparent that the Petitioner had written the letter dated 15.03.2018 to the Hon'ble the Chief Justice (Acting) on the basis of wrong information supplied to him by third person. As an Officer of the Court the Petitioner ought to have been more careful and ought to have verified the facts before making such false, frivolous and baseless allegations contained in the letter dated 15.03.2018.

However, considering the fact that the Petitioner has now realised his mistake and tendered his unconditional apology, we refrain from taking further action and issuing Contempt Notice and accept his apology. It is expected of the Petitioner who is an Advocate to be careful in future and remind himself that he is first an Officer of the Court.

4 We permit the Petitioner to withdraw the Petition as also Civil Application No.793 of 2018. Learned Counsel for the Petitioner on instructions from the Petitioner states that the Petitioner shall voluntarily pay sum of Rs.1 lakh to the TATA Memorial Cancer Hospital within one week from today. In view thereof, we are not imposing any costs upon the Petitioner.

5 We record the statement of the learned Counsel for the Petitioner, on instructions that the Petitioner shall inform Respondent No.2 Bank about change in his signature within a period of one week.

6 Though the Petition and Civil Application are disposed of, let the Petition be listed on 21.06.2018 under the caption 'for directions'.

(V.L. ACHLIYA, J.)

(A.A. SAYED, J.)