

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

CRIMINAL APPLICATION (APPA) NO.1103/2018

IN

CRIMINAL APPEAL NO.534/2018

Nilesh S/o Chandrabhushan Ojha

..V/s..

The State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri O.D. Kakde, Advocate for appellant.

Coram : Z.A. HAQ, J.

Date : 2.11.2018

For the reasons stated in the application, it is **allowed**. The appellant is permitted to file the documents on record as prayed for.

CRIMINAL APPEAL NO.534/2018

Heard.

ADMIT.

Shri T.A. Mirza, A.P.P. waives notice for the respondents.

Call R. & P.

In Criminal Appeal No.534/2018 filed by the accused to challenge the judgment passed by the learned Sessions Judge convicting him for the offence punishable under Section 345 of the Code of Criminal Procedure, the appellant - Nilesh S/o Chandrabhushan Ojha has raised ground that after notice was issued to him by the Additional Sessions Judge calling for his explanation, the appellant had given reply and had sought an adjournment, however, the learned Additional Sessions Judge has convicted him without

affording an opportunity to produce witnesses to falsify the charges levelled against him. The certified copy of the reply given by the appellant to the show cause notice is placed on record.

After going through the reply, which was given by the appellant to the show cause notice issued by the Additional Sessions Judge, *prima facie*, I find that the appellant committed an act of scandalizing the Court and lowering the authority of Court and this amounts to criminal contempt as defined in Section 2(c) of the Contempt of Courts Act, 1971.

Issue notice to the appellant - Nilesh S/o Chandrabhushan Ojha to show cause why proceedings under the Contempt of Courts Act should not be initiated against him.

The notice is made returnable on **11th January, 2019**.

Shri O.D. Kakde, Advocate who represents the appellant has stated that the appellant is not residing on the address given in the cause title of the appeal and his present address is different.

Shri O.D. Kakde, Advocate is directed to amend the cause title of the memorandum of appeal and provide correct address of the appellant today itself.

The notice be issued on the corrected address of the appellant.

The learned Advocate appearing for the appellant shall send copy of this order to the appellant and file affidavit of compliance on record.

Registry is directed to register the proceedings separately and place the matter before the appropriate Division Bench.

Shri T.A. Mirza, A.P.P. who appears in this appeal for the respondents, shall appear in the proceedings before the Division Bench and assist the Court.

JUDGE

Tambaskar.