

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

**CONTEMPT PETITION NO. 399 OF 2019
IN
CRIMINAL WRIT PETITION NO. 69 OF 2019
WITH
CONTEMPT PETITION NO. 400 OF 2019
IN
CRIMINAL WRIT PETITION NO. 70 OF 2019
WITH
CONTEMPT PETITION NO. 401 OF 2019
IN
CRIMINAL WRIT PETITION NO. 68 OF 2019**

Nagnath Urban Co-operative Bank Ltd., Hingoli
Through its Branch Manager

..PETITIONER

VERSUS

Yogesh Kumar
Superintendent of Police,
Hingoli, Dist. Hingoli

..RESPONDENT

....
Mr. S.S. Deshmukh, Advocate for petitioner

....

**CORAM : R.G. AVACHAT, J.
DATED : 09th SEPTEMBER, 2019**

COMMON ORDER :

By these petitions under Contempt of Courts Act, 1971, the petitioner – Nagnath Urban Co-operative Bank Ltd., Hingoli seeks initiation of action against respondent – Superintendent of Police, Hingoli for non-compliance of order dated 11th March, 2019 passed by this Court in Criminal Writ Petition Nos. 68, 69 and 70 of 2019.

2. Heard.

3. Mr. Deshmukh, learned Counsel for petitioner took me through order dated 11th March, 2019 and other documents on record to submit that the investigating officer of the crime, pursuant to which Regular Criminal Case Nos. 250 of 2008, 310 of 2007 and 313 of 2007 came to be instituted, has intentionally flouted order dated 11th March, 2019. Learned Counsel also took me through the other documents on record to submit that the muddemal items have still not been produced before the trial Court, trial of the case is, therefore, delayed.

4. Order dated 11th March, 2019 passed in all these criminal writ petitions is same and records :-

“(I) The learned Judicial Magistrate, First Class, Hingoli is directed to expedite the hearing of Regular Criminal Case Nos. 250/2008, 313/2007 and 310/2007 and decide the same as expeditiously as possible, preferably within a period of six months from the date of receipt of the present order.

(II) The Investigating Officer as well as the petitioner shall cooperate to the trial Court for disposal of the aforesaid criminal cases within the period stipulated by this Court.

(III) Criminal Writ Petitions stand disposed of accordingly.”

5. The aforesaid order indicates that the trial Court was expected to conclude the trial in regular criminal cases within six months. Investigating

Officer was directed to cooperate the trial Court for disposal of aforesaid criminal cases within the time frame. The aforesaid order indicates that it was investigating officer, who was expected to extend cooperation for early disposal of criminal cases. The order was passed on 11th March, 2019. It is not known as to when the said order was communicated to the trial Court. The period of six months is yet to over from the date of passing of order i.e. 11th March, 2019. Criminal action under Contempt of Courts Act is sought to be initiated against respondent – Superintendent of Police, who was not a party to the criminal writ petitions, wherein the said order was passed.

6. Furthermore, the order suggests that investigating officer and the petitioner bank were expected to cooperate with trial Court for early disposal of cases. Investigating Officer is not made party to these contempt petitions. There was also nothing to indicate as to how the investigating officer is deliberately not cooperating with the trial Court for early disposal of criminal cases pending before learned Judicial Magistrate, First Class, Hingoli.

7. In the aforesaid backdrop, no case is made out for issuance of notice under Contempt of Courts Act. Contempt petitions, therefore, stand dismissed.

(R.G. AVACHAT, J.)

SSD