

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 563 OF 2019

Sonali w/o Manoj Lohar

Petitioner

Versus

Mr. P.Y. Ladekar

Respondent

Mr. N.L. Choudhari, Advocate for the petitioner.

**CORAM : M.S. KARNIK, J.**

**DATE : 22<sup>nd</sup> August, 2019.**

**PER COURT :**

1. Heard learned counsel for the petitioner.
2. Present contempt petition is filed praying that the respondent be punished as per the provisions of Contempt of Courts Act, 1971 for willfully and intentionally disobeying the directions/order dated 02.02.2018 passed by this Court in Misc. Civil Application No. 244/2017 which is circulated by the Registrar of this Court.
3. Learned counsel for the petitioner invited my attention to the order dated 02.02.2018 passed by this Court directing the Registrar (Judl.) to circulate copy of the order to all the District Courts in Maharashtra. The order is in the context that the copy of order downloaded from the official website is to be considered as the reliable document by the trial Courts. It is further observed by this Court that in the event of any doubt in the mind of the learned Judge, it can be checked from the official website as to whether

such an order has been uploaded or not. This Court further held that once the order is uploaded on the official website, it is a reliable document to be considered by the Court before whom it is cited.

4. Learned counsel for the petitioner, relying upon the decision of the Hon'ble Supreme Court in the case of Baradakanta Mishra, Commissioner of Endowments Vs. Bhimsen Dixit reported in **1973(1) SCC 446** submits that a Judicial Officer refusing to follow the binding precedent would make himself liable to face action under the Contempt of Courts Act.

5. Learned counsel for the petitioner then invited my attention to the facts of the present case. According to him, petitioner's husband Manoj is not keeping good health. He was convicted for offence punishable under Section 468 of the Indian Penal Code and was sentenced to suffer life imprisonment. Appeal against the conviction and sentence is pending in this Court. This Court by order dated 03.04.2019, rejected the application filed by Manoj for suspension of sentence in pending appeal. Thereafter application seeking interim bail assigning medical reasons was filed before this Court. Said application came to be rejected by this Court. Thereafter Manoj approached the Hon'ble Apex Court. The Hon'ble Apex Court, by order dated 14.06.2019, granted interim bail for two months to Manoj, on such terms and conditions as may be imposed by the trial Court, for taking treatment in the hospital at Thane. Bail bonds to the satisfaction of the trial Court were directed to be furnished.

6. Learned counsel for the petitioner would further submit that a copy of the order downloaded from the official website of the Hon'ble Supreme Court was produced before the trial Court on 15.06.2019. It is the contention of the petitioner that the trial Court insisted for production of certified copy of the order. Certified copy accordingly came to be produced on 19.06.2019. In terms of the order passed by the Hon'ble Supreme Court, further order of release came to be passed by the trial Court on 19.06.2019. According to learned counsel for the petitioner, the act of the trial Court in not passing the order immediately upon production of the downloaded copy of the order passed by the Hon'ble Supreme Court, amounts to breach of order passed by this Court.

7. It can thus be seen that the Hon'ble Supreme Court has passed the order on 15.06.2019. The trial Court passed release order on 19.06.2019. The trial Court passed the release order on 19.06.2019 immediately upon receipt of the certified copy of the order of the Hon'ble Supreme Court. In my opinion, the same cannot not be a ground to initiate action under the Contempt of Court Act. The Decision of the Hon'ble Supreme Court in the matter of Baradakanta (Supra) is not at all applicable to the facts of the present case. This is not a case of wilful disobedience of the order passed by this Court as the trial Court has taken steps and passed the order in terms of the order passed by the Hon'ble Apex Court. Contempt petition is dismissed.

**( M.S. KARNIK, J. )**

dyb/