

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

**CONTEMPT PETITION NO.13 OF 2016
IN CRI. WP/856/2015**

**SK. SUJAUDDIN SK. KHALILUDDIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. R.R.Sancheti, Advocate for petitioner
Mrs. G.L.Deshpande, AGP for respondent nos.1 to 4

**CORAM : PRASANNA B. VARALE
AND**

R.G. AVACHAT, JJ.

DATE : JULY 05, 2019

PER COURT :-

Heard Mr.Sancheti, learned Counsel for the petitioner and Mrs.Deshpande, learned AGP for respondent nos.1 to 4.

2. The grievance of the petitioner is of non-compliance of the order of this Court dated 04.08.2015 passed in Writ Petition No.4017 of 2015.

3. Perusal of the order dated 04.08.2015 would reveal that at the request of learned AGP, the Writ

Petition was adjourned to 19.08.2015. It was further directed by this Court that in case charge-sheet is not filed, it shall not be filed till then.

4. Learned Counsel for the petitioner, on the basis of a copy placed on record at Annexure "B", submits that in spite of the order of this Court, dated 04.08.2015, the charge-sheet has been filed on 10.08.2015. As such, according to him, there is non-compliance of the order of this Court and consequently, respondent no.5, who has filed the charge-sheet in defiance of the order of this Court, may be punished for committing contempt of the Court.

5. On perusal of the very document i.e. annexure "B" i.e. copy of the charge-sheet, we are of the opinion that the grievance of the petitioner is based on erroneous reading of the said document and under misconception of the facts. Perusal of copy of the charge-sheet clearly shows that the charge-sheet was submitted to the Court on 31.07.2015 by

respondent no.5, who is Investigating Officer in the crime. The name of the Officer in-charge is referred to as B.S.Gawde, who was the signatory, in-charge and Investigating Officer i.e. respondent no.5. Perusal of copy of the charge-sheet further shows that against column no.2, reference is made to Final Report Number and date of forwarding the final report i.e. charge-sheet. Here also, the date is mentioned as 31.07.2015. Further, there is a handwritten endorsement as R.C.C. No.286/2015 dated 10.08.2015. On the basis of this hand-written endorsement, the petitioner is before this Court with the above referred grievance.

6. Considering the fact situation that respondent no.5 had forwarded the charge-sheet on 31.07.2015 with his endorsement on the charge-sheet, which reiterates the date of forwarding as 31.07.2015, we are of the opinion that the Contempt Petitioner has failed to make out a case of willful disobedience of the order of this Court. At the cost

of repetition, we state that the charge-sheet is filed on 31.07.2015 i.e. prior to the order of this Court dated 04.08.2015.

7. In view of the facts stated above, we are unable to persuade ourselves to entertain this Contempt Petition. The Contempt Petition, as such, being merit-less deserves to be dismissed at the threshold. The Contempt Petition is accordingly dismissed.

[R.G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]

kbp