

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

**CRIMINAL REFERENCE NO.1 OF 2019
WITH
CRIMINAL REFERENCE NO.2 OF 2019
WITH
CRIMINAL REFERENCE NO.3 OF 2019**

S.G. Sarode
(2nd Joint C.J.J.D. & J.M.F.C.)
Vs.

... Appellant

Shri Dhananjay Anantrao Jadhav

... Respondent/
Contemnor

Mr. V.B. Konde-Deshmukh, APP for the appellant.

Mr. Sanjeev Kadam i/b Mr. Vivek V. Salunke, advocate for the
respondent/contemnor.

**CORAM : INDRAJIT MAHANTY &
N.B. SURYAWANSHI, JJ.**

DATE : 28TH AUGUST 2019.

P.C. :

All the three References are being decided by this
common order, since the facts are common and parties are the
same.

2. The three References were forwarded by the 2nd Joint
Civil Judge (Junior Division) and Judicial Magistrate F.C.,
Pandharpur.

3. Criminal Reference No.1 of 2019 arises out of the disobedience of the order passed in Criminal Miscellaneous Application No.1083 of 2018.

4. Criminal Reference No.2 of 2019 is pursuant to disobedience of the order passed in Criminal Miscellaneous Application No.1084 of 2018.

5. Criminal Reference No.3 of 2019 is for disobedience of the order passed in Criminal Miscellaneous Application No.1085 of 2018.

6. The reference court passed orders dtd.06/12/2018 in the abovementioned Criminal Miscellaneous Applications, directing to release the vehicles in favour of the registered owners, which were seized by the Contemnor, in Crime No.679 of 2018, for the offence punishable under section 379 of the Indian Penal Code and section 9 read with section 15 of the Environment Protection Act, 1986. In spite of the receipt of the orders releasing the vehicles, the Contemnor has disobeyed the orders and has not released the

vehicles. Hence, these References.

7. We have heard the learned counsel for the respective parties. The Contemnor is present in the court.

8. It is a matter of record that the reference court passed orders on 06/12/2018, thereby directing return of the vehicles to the respective owners. However, till 10/12/2018, the Contemnor has failed to release the vehicles purportedly on the ground that the Revenue Authorities had initiated the action for attachment of the vehicles. The record reveals that between 06/12/2018 to 10/12/2018 the order of attachment was not passed by the Revenue Authorities. In these circumstances, the Contemnor was not justified in not releasing the vehicles and the Contemnor was duty-bound to release the vehicles in compliance of the orders passed by the reference court.

9. The Contemnor has tendered unconditional apology in the court and has shown repentance for not releasing the vehicles in terms of the orders passed by the reference court. In the affidavit in reply filed by the Contemnor in all these three matters, he has

tendered unconditional apology and has specifically denied the arrogant utterances, attributed to him by the reference court.

10. We caution the Contemnor not to commit such act in future and to diligently obey the orders passed by the courts of law. Accepting the unconditional apology tendered by the Contemnor and the repentance expressed by the Contemnor, the Criminal References are disposed of.

(N.B. SURYAWANSHI, J.)

(INDRAJIT MAHANTY, J.)