

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REFERENCE NO.1 OF 2018

**S. T. PANDEY (DISTRICT JUDGE – 7 AND)
ADDL. SESSIONS JUDGE, NASHIK) ...PETITIONER**

V/s.

**DR.PUNJABRAO UGALE, SUPERINTENDENT)
OF POLICE, A.C.B., NASHIK) ...RESPONDENT**

Mr.H.J.Dedhia, APP for the Petitioner - State.

Mr.Rajiv Chavan i/b. Mr.S.R.Phanse, Advocate for the Respondent.

**CORAM : INDRAJIT MAHANTY &
A. M. BADAR, JJ.**

DATE : 1st APRIL 2019

P.C. :

1 This is a reference made by the learned District Judge-
7 and Additional Sessions Judge, Nashik, alleging willful
disobedience to the order dated 29th August 2017 passed by the

said court, by respondent Dr.Punjabrao Ugale, Superintendent of Police, Anti-Corruption Bureau, Range Nashik.

2 Facts, in brief, are thus :

Complainant Irfan Yasin Shaikh lodged a complaint to the Anti-Corruption Bureau on 29th April 2013 in respect of demand of illegal gratification amounting to Rs.22,000/- by Satish Chikhalikar, Executive Engineer of the Public Works Department. Accordingly, a trap was laid by the Anti-Corruption Bureau and co-accused Jagdish Wagh, Section Engineer, was caught red handed accepting the amount of Rs.22,000/- towards illegal gratification. Accordingly, First Information Report (FIR) was lodged and Crime No.3049 of 2013 came to be registered against the accused persons. Further investigation by the Anti-Corruption Bureau revealed that accused Satish Chikhalikar had amassed assets disproportionate to his known source of income, and therefore, Crime No.3054 of 2013 for offences punishable under Sections 131)(e) read with 13(2) of the Prevention of

Corruption Act came to be registered against him as well as co-accused. Co-accused Madhukar Chikhalikar – father of main accused Satish Chikhalikar then preferred an application for return of property in Crime No.3054 of 2013 which came to be registered as Miscellaneous Application No.91 of 2016. The said application came to be allowed by learned Special Judge under Anti-Corruption Bureau i.e. District Judge-7 and Additional Sessions Judge, Nashik on 29th August 2017. However, the property under the said application was not returned to the applicant/co-accused Madhukar Chikhalikar in Crime No.3054 of 2013. As such, co-accused Madhukar Chikhalikar filed an application under Section 12 of the Contempt of Courts Act for initiating contempt proceedings against respondent Dr.Punjabrao Ugale, Superintendent of Police, Anti-Corruption Bureau, Nashik. The said application came to be registered as Other Miscellaneous Criminal Application No.17 of 2018 and after making necessary enquiry, the learned Special Judge under the Anti-Corruption Bureau i.e. District Judge-7 and

Additional Sessions Judge, Nashik, vide order dated 26th February 2018 came to the conclusion that the respondent has willfully and knowingly disobeyed the order dated 29th August 2017 directing return of the property.

3 On 29th January 2019, this court had directed issuance of notice to respondent Dr.Punjabrao Ugale and that is how respondent appeared before this court and filed his reply affidavit.

4 We have heard the learned APP appearing for the State so also Shri Rajiv Chavan, learned senior counsel, appearing for the respondent at sufficient length of time. We have also perused the reply affidavit filed by respondent Dr.Punjabrao Ugale, Superintendent of Police, Anti-Corruption Bureau, Nashik. It is seen from the reply affidavit filed by the respondent that copy of the order passed in Miscellaneous Application No.91 of 2016 directing return of the property to applicant Madhukar Chikhalikar was received by the Superintendent of Police on 11th September 2017. Thereafter, the respondent had been to

Hyderabad for a period from 30th October 2017 to 27th November 2017. On return, he obtained certified copy of the said order which was received by him on 21st December 2017. Respondent Dr.Punjabrao Ugale then proposed to file an application under Section 482 of the Cr.P.C. challenging the order dated 29th August 2017 passed by the learned Special Judge directing return of the property to applicant/co-accused Madhukar Chikhalikar. That is how, Criminal Application bearing No.191 of 2018 came to be filed by the State of Maharashtra through the Deputy Superintendent of Police, Anti-Corruption Bureau, Nashik, before this court. This court was, then, pleased to issue notice and directed for maintenance of status-quo on 4th April 2018.

5 It is, thus, seen that, there was neither willful disobedience nor disrespect to the judicial order by respondent Dr.Punjabrao Ugale. Infact, the Anti-Corruption Bureau had chosen to challenge the order directing return of property by following prescribed official procedure and parties are not at dispute that status-quo order passed by this court in that matter is

still holding the field. In this view of the matter, we hold that no case for commission of contempt of court is made out. The notice, therefore, stands discharged and contempt proceedings initiated against respondent Dr.Punjabrao Ugale stand dropped.

(A. M. BADAR, J.)

(INDRAJIT MAHANTY, J.)