

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REFERENCE NO.05 OF 2019

Syedullah Khaleelullah Khan,
Joint Civil Judge (J.D.), Barshi

...Applicant

VS.

Narsingh Uddhav Pawar

...Respondent

Mr. V.B. Konde-Deshmukh, APP for the Applicant-State.

Mr. D.S. Mhaisapurkar i/b. Mr. S.M. Mangaonkar, for
Respondent.

**CORAM : S.S. SHINDE &
N.B. SURYAWANSHI, JJ.**

DATE : OCTOBER 11, 2019

P.C.:

. At the outset, learned counsel appearing for the Respondent- Contemnor does not press the affidavit dated 2nd August, 2019. In that view of the matter, the affidavit filed by the Contemnor on 2nd August, 2019 is treated to have not filed and shall not be part of the proceeding of the aforesaid Reference.

2. This Reference under Section 15(2) of the Contempt of Courts Act, 1971 has been made by Syedullah Khaleelullah Khan, Jt. Civil Judge (J.D.) & J.M.F.C., Barshi, District Solapur on 22nd April, 2019.

3. The said Reference is registered and numbered by the Registry. Accordingly, Reference was placed before this Court (Coram : Indrajit Mahanty & A.M. Badar, JJ.). On 10th June, 2019 this Court issued notice to the Respondent-Contemnor which was made returnable on 8th July, 2019.

4. Pursuant to the notice issued to Respondent, the Respondent has caused appearance and engaged advocate to represent him. The Respondent-Contemnor filed the affidavit on 2nd August, 2019. However, this Court was not satisfied with the affidavit filed on behalf of the Respondent-Contemnor, since said affidavit was totally unsatisfactory. The Court recorded submission of the concerned Respondent-Contemnor that he wants to file fresh affidavit in the matter. Accordingly, affidavit is filed by Respondent-Contemnor on 29th August, 2019. The learned counsel appearing for the Respondent has tendered across the bar additional affidavit on behalf of the Respondent-Contemnor, same is taken on record.

5. We have carefully perused the contents of the Reference made by the learned Jt. Civil Judge (J.D.) & J.M.F.C., Barshi,

District Solapur. It appears that the Respondent-Contemnor filed the application before the said Court praying therein to adjourn the matter i.e. Regular Civil Suit No. 40 of 1984. Learned Judge before whom the said application was filed in pending Regular Civil Suit No. 40 of 1984 found the contents of the said application contemptuous and making wild allegation against the learned Judge. In the aforesaid background, the Reference is made to this Court praying therein to hold the Contemnor guilty for committing criminal contempt of the Court.

6. Upon careful perusal of the application (Exhibit 362) filed in Regular Civil Suit No. 40 of 1984 by the Respondent-Contemnor, there is no slightest doubt that he has made wild allegation without any basis which can be safely construed as contemptuous. However, the Contemnor has filed the affidavit in reply on 29th August, 2019 and with folded hands tendered unconditional apology for filing such application. He has accepted that the allegation made in the said application are contemptuous and undermining the authority of the Court. In the said affidavit in paragraph 4 it is stated that he undertakes

that in future knowingly or unknowingly he shall not file any such application which will obstruct the administration of justice and shall not make false and wild allegations against the Hon'ble Judges/ Court.

7. As already observed Respondent has also filed additional affidavit wherein once again he has tendered unconditional apology and stated that he has withdrawing all allegations made by him in the said application (Exhibit 362) in Regular Civil Suit No. 40 of 1984. If the affidavit in reply and additional affidavit filed by the Respondent-Contemnor is conjointly read, he has with folded hands has tendered unconditional apology before this Court. It is mentioned in paragraph 3 of the additional affidavit that he once again tenders his unconditional apology to the learned Judge (Jt. Civil Judge (J.D.) & J.M.F.C., Barshi). The additional affidavit is filed at the earliest opportunity hereby tendering unconditional apology with folded hands by Respondent-Contemnor and also assurance is given in paragraph 3 of the affidavit in reply filed on 29th August, 2019 that henceforth he will not indulge knowingly or unknowingly of filing such application which will obstruct the administration of

the justice and also not make wild and false allegations against the Hon'ble Court. The said unconditional apology with folded hands deserves to be accepted, and accordingly an unconditional apology is accepted with caution to the Contemnor that in future he will not again indulge in making such frivolous and baseless allegations.

8. In the light of above, the notice issues to the Respondent-Contemnor by this Court on 10th June, 2019 stands discharged. The Reference is answered accordingly. Accordingly, Reference stands disposed of.

9. Copy of this order shall be forthwith send by the Registry to Mr. Syedullah Khaleelullah Khan, Jt. Civil Judge (J.D.) & J.M.F.C., Barshi, District Solapur.

(N.B. SURYAWANSHI, J.)

(S.S. SHINDE, J.)