

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

CRIMINAL REFERENCE NO. 05 OF 2018

Ajit Ramchandra Vazalwar

...Petitioner

Versus

Ishar Ali

Director of M/s. Micro Dynamics Pvt. Ltd.

and Ors.

...Respondents

Mr. V.B. Konde – Deshmukh, APP for the Petitioner.

Mr. Amol Deshpande, for Respondent Nos. 1 and 2.

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

DATE : 26th NOVEMBER 2019

PER COURT :

1. At the outset, learned counsel appearing for the Respondents / Contemnor does not press the contentions raised in the earlier affidavits. In that view of the matter the earlier affidavits filed by the Respondents / Contemnor shall be treated to have not pressed and said affidavits shall not form the part of the proceedings of the aforesaid reference.

2. This reference under Section 15(2) of the Contempt of Courts Act, 1971, has been made by the Mr. Ajit R. Vazalwar, Retired Judge and

Arbitrator. Learned counsel appearing for the Respondents / Contemnor has tendered across bar two separate affidavits of Respondent Nos. 1 and 2. Same are taken on record.

3. In the said affidavits, both the Respondents / Contemnors have tendered unconditional apology with folded hands. It is also stated in the affidavits that, they undertake not to indulge in making any such allegations henceforth. It is also stated by them, that they will file application before the District Court at Pune to take steps to delete the sentences in paragraph 10 of the application pending under Section 14 of the Arbitration and Conciliation Act, 1996.

4. Since the Respondents / Contemnors have tendered unconditional apology with folded hands with an undertaking that, they will take steps to delete an alleged contemptuous statements made in the application filed by them under Section 14 of the Arbitration and Conciliation Act, 1996 before the District Court at Pune, and further they have also given an undertaking that henceforth they will not indulge into making such allegations, like made in the application pending before the District Court at Pune, and in view of the information given by the learned counsel appearing for the Respondents / Contemnors that, Respondents have no criminal

antecedents and they have unblemished record, we are inclined to consider the prayer of the Respondents to discharge the notice of contempt thereby accepting unconditional apology. However, we issue word of 'caution' to the Respondents / Contemnors that, they should not indulge in making such contemptuous allegations in future in the quasi judicial / judicial proceedings wherein they are party.

5. In the light of above, the show cause notice issued to the Respondents / Contemnors stands discharged.

6. Accordingly, contempt proceedings stands dropped / terminated. The Criminal Reference is answered in the aforesaid terms and stands disposed of as such.

(N. B. SURYAWANSHI, J.)

(S. S. SHINDE, J.)