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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

APPLICATION (APPCP) NO. 8/2019
IN
CRIMINAL CONTEMPT PETITION NO.02/2018
WITH
CONTEMPT APPEAL (CPL) NO. 04/2018.

Sou Motu (Court on its own motion)

-VERSUS-

Shri Arvind Waghmare (Advocate) and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.R. Vyas, Advocate (Amicus Curiae).
Shri A.K. Waghmare, Respondent No.1-Inperson.

CORAM : Z. A. HAQ AND
VINAY JOSHI, JJ.

DATE : APRIL 03, 2019.

Heard.

2. Respondent no.1 – Arvind Waghmare, orally sought leave to amend the cause title of the present Application so as to correct the typographical error, and substitute Rule “(8)”, in place of Rule “(9)”. Leave granted. Respondent no.1 to correct the cause title accordingly.
3. This application is filed under Chapter-I, Rule (8) of the Bombay High Court Appellate Side Rules, 1960 praying that reference be made to Larger Bench for deciding the Contempt Appeal (CPL)

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No.4/2018 and Criminal Contempt Petition No.2/2018.

4. At the outset, the application has to be thrown into dustbin, because of the tenor of the application. In the cause title, it is mentioned as under :

*“Application (APPCP) No.8/2019
IN
Criminal Contempt Petition No.02/2018
(Fraudulent Proceedings)
WITH
Contempt Appeal (CPL) No.04/2018.*

Sou Motu (Courts on its own motion)

//VERSUS//

***R.No.(1) : Shri Arvind Waghmare (Adv.)
R.No.(2) : Nagorao Tulshiram Ingle.
R.No.(3) : Jyoti w/o Nagorao Ingle.
R.No.(4) : Ashish s/o Nagorao Ingle.
R.No.(5) : Nayan s/o Nagorao Ingle”***

5. The party to the proceeding, or the Lawyer representing the party, has to show the cause title as is shown by the Registry, and the party or the Lawyer representing the party cannot introduce anything in the cause title. In the present case, the respondent no.1 has referred to Contempt Petition No.2/2018 as “Fraudulent Proceedings”. Such things cannot be accepted.

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6. Be that as it may, we have considered the application on merits.

Respondent no.1 has requested for referring the matter to Larger Bench, as according to him, the allegations are against the Senior Most Judge of this Bench, and therefore, it would be advantageous that the matter be referred to a Larger Bench. According to the respondent no.1, as the allegations are against the Registry and Senior Officer of the Registry of this Bench, it would be advantageous that the matter be heard by a Larger Bench.

7. We see no reason to report to the Hon'ble Chief Justice that, in our opinion, it will be advantageous if the matter is heard by a Larger Bench. The Application is, therefore, dismissed with costs of Rs.20,000/-, to be paid by the respondent no.1 – Arvind Waghmare.

8. As the proceedings are suo motu proceedings, we direct that the amount of costs be deposited with the High Court Legal Services Sub-Committee, Nagpur, within a period of one month.

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4Criminal Contempt Petition No.02/2018 (Sou Motu).

Heard.

2. The present proceedings are registered pursuant to an order passed by the learned Single Judge (Shri R.K. Deshpande, J) on 19.06.2018. As per the order dated 19.06.2018, notices were issued to the respondents. Notices are served, and all the 5 respondents are appearing.

2. Respondent Nos. 2 to 5 have filed a Pursis dated 20.02.2018 (St.No.5939/2018), stating that they have filed Contempt Appeal No.4/2018 jointly with the respondent no.1, and the contents of the memorandum of Appeal, along with the grounds raised in the said Contempt Appeal No.4/2018, be treated as reply in this Sou Motu proceedings.

3. Affidavit sworn by respondent no.2 Nagorao is filed on 01.03.2019 vide Stamp No. 1158/2019. It is stated that the affidavit is on behalf of respondent nos. 2 to 5. By this affidavit, it is reiterated that the contents of the Pursis No.566/2019 and application (APPCP) No.2/2019, and another application (of which number is not given)(respondent no.1 now states that it is Application (APP) No.4/2019), be treated as reply of respondent nos. 2

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to 5 in Criminal Contempt Petition No.2/2018 (averments made in paragraph no.4 of the reply).

4. Affidavit sworn by respondent no.1 Arvind Waghmare is filed on 01.03.2019 vide Stamp No.1157/2019. Respondent no.1 has adopted the submissions/reply made on behalf of respondent nos.2 to 5 (paragraph no.4 of the affidavit sworn by respondent no.1, dated 01.03.2019, St. No. 1157/2019).

5. We enquired with the respondents, whether they want to argue any other matter, i.e. Contempt Appeal or Application. Respondent no.1 refused to argue any other matter. We have gone through the above referred Pursis and Applications. We are of the view that the respondents have aggravated the contempt by leveling baseless and unfounded allegations against a sitting Judge of this Court. The contents of the Pursis and Applications show that the respondents are unnecessarily slinging mud on the Registry and Officers of the Registry of this Court. Hence, the following order is passed.

ORDER

(1). **Admit.**

(2). Issue notice to respondent nos. 1 to 5 in

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Form No.1 under Rules to Regulate Proceedings for Contempt under Article 215 of the Constitution of India and the Contempt of Courts Act, 1971 (under Chapter XXXIV of the Bombay High Court Appellate Side Rules, 1960), returnable on 18.04.2019.

(3). Respondent Nos. 1 to 5 are present in the Court, and they are aware about passing of this order. Respondent nos. 1 to 5, shall remain present before this Court on the returnable date i.e. 18.04.2019, even if the report of service of notice on respondent nos. 1 to 5 is shown to be awaited.

(4). List the matter for further consideration/hearing on 18.04.2019.

(5). On 20.03.2019 and even today, it is noticed that respondent no.1 is not permitting the Court to proceed in the matter, and is not maintaining decorum. Even when this order is dictated, constant interference is there. Respondent no.1 who claims to be practicing since last 20 years as an Advocate, is cautioned that such things/acts should not be repeated henceforth.

JUDGE

JUDGE

Rgd.