

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.167 OF 2020

SANJAY JAGANNATH KENI

)...APPLICANT

V/s.

MADAN PATIL (POLICE INSPECTOR) & ORS.)...RESPONDENTS

Mr.Vishal Saxena, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 5th MARCH 2020

P.C. :

1 Heard the learned counsel appearing for the applicant at sufficient length of time. He argued that first First Information Report (FIR) filed by Mohan Suryavanshi resulted in registration of C.R.No.119 of 2008 and that ended in acquittal of the petitioner of the offence punishable under Section 448 of the Indian Penal Code on 17th May 2018. He further argued that on 19th October 2011 Small Cause Suit No.2967 of 2008 filed by Mohan Suryavanshi came to be dismissed by holding that the

present applicant was in possession of the subject premises. The learned counsel further argued that subsequently, on 8th June 2018, Mohan Suryavanshi again filed FIR against the applicant which resulted in registration of another crime initially for the offence punishable under Section 341 of the Indian Penal Code and subsequently several other sections were added. Thereafter, the applicant came to be arrested by the Investigating Officer despite intimation to the Investigating Officer about previous happenings regarding dismissal of the civil suit and acquittal of the applicant/accused.

2 In the light of these factual background, the learned counsel for the applicant submits that action for contempt needs to be initiation against the respondent, who happens to be the Police Inspector of Kanjurmarg Police Station as well as Mohan Suryavanshi, who happens to be the First Informant.

3 Perusal of all averments made in the application neither depicts any civil contempt nor reflects criminal contempt committed by any of the respondents.

4 The application is devoid of merits and the same is therefore dismissed.

(A. M. BADAR, J.)

Arti V.
Khatate

Digitally
signed by Arti
V. Khatate
Date:
2020.03.06
02:18:17
+0530