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

CONTEMPT PETITION NO.47 OF 2017
WITH
CONTEMPT PETITION NO.214 OF 2017
IN
WRIT PETITION NO.4419 OF 2016

Vidarbha Yuvak Swayamrojjgar Seva Sahakari Sanstha Maryadit Thr. President, Mhada Colony,
Wardha. Thr. President Amit M. Paranjape

-vs-

Ambadas s/o Vithalrao Sontakke, District Civil Surgeon, Dist. Govt. Hospital Buldhaha

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

Court's or Judge's Orders.

Shri R. S. Charpe, Advocate for petitioner.
Smt S. Jachak, Assistant Government Pleader for respondent.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.
DATE : October 08, 2021

Pursuant to the order dated 29/09/2021 the respondent is present in Court today. He has filed his affidavit through the learned Assistant Government Pleader in which it has been stated that he tenders unconditional apology in view of the fact that there was no wilful intention to disobey the orders passed by this Court. It is further stated that the respondent is to superannuate from service on 31/12/2021 and considering the medical ailments suffered by him a lenient view of the matter be taken.

We have given due consideration to the response of the respondent. We may state that in the order dated 29/09/2021 a finding has been recorded that disobedience on the part of the respondent was wilful and in the light of the glaring facts on record and the opportunities granted to purge the contempt, the

apology now sought to be tendered does not deserve acceptance as we do not find the same to be bonafide. However, we have kept in mind the medical ailments of the respondent. In view of the provisions of Section 12 (3) of the Contempt of Courts Act, 1971 we are satisfied that imposition of fine would not meet the ends of justice. Considering the blatant disobedience of the orders of this Court therefore instead of sentencing him to simple imprisonment, it is directed that the contemnor be detained in civil prison for a period of fifteen days.

Accordingly it is held that the respondent is guilty of having committed civil contempt under Section 12(3) of the Act of 1971. On account of such wilful disobedience of the orders passed by this Court he is punished by imposing fine of Rs.2000/-. He is further directed to be detained in civil prison for a period of fifteen days.

In view of the fact that a statutory remedy of appeal under Section 19 of the said Act is available to the respondent, the implementation of this order is stayed for a period of six weeks from today. Order accordingly.

JUDGE

JUDGE