



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1625 OF 2023

RAHUL SHANKARRAO WADHAVE
VERSUS
THE DEPUTY REGISTRAR HON'BLE HIGH COURT BENCH AT
AURANGBAD DIST. AURANGABAD

...
Advocate for the Petitioner : Mr. Ghodke Siddhesh Subhashrao
Addl. PP for Respondents: Mr. M.M. Nerlikar

...
CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 06.03.2024

PER COURT:

Heard both the sides.

2. This is a writ petition filed through the Jailer by an under trail prisoner seeking direction to register the petition (Exhibit-E) annex to the writ petition as a contempt petition.

3. We have heard the learned advocate whom we had appointed to represent the petitioner as also the learned APP.

4. It appears that the petitioner has withdrawn his Bail Application No.1451/2021. Even his application seeking restoration of the bail application was rejected by the High Court. The applicant then stated before the learned Single Judge that he would resort to appropriate remedy since his bail application was not being restored and had sought to resort to appropriate proceeding.

5. We have gone through the contents of the contempt petition submitted along with the writ petition. He has referred to several factual aspects making an attempt to demonstrate as to how the respondent who is his wife was opposing the bail application and had played some trick.

6. We fail to understand as to how this could constitute contempt of the Court. There was no order of the Court of which there could be a breach. Merely alleging that the respondent wife intentionally and deliberately avoided to provide the information to the High Court due to which he had withdrawn his bail application, cannot be a ground to initiate a contempt proceeding.

7. The writ petition is disposed of.

8. We quantify the fees of the learned advocate to whom we have appointed to represent the petitioner at Rs.3000/- (Three thousand only).

9. The Registrar (Judl.) shall ensure that the order is communicated to the petitioner through the Jailer.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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