

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

CIVIL CONTEMPT PETITION NO. 423 OF 2023

Manohar Balkrishna Jadhav ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Ms. Sonali Patil i/b B. K. Barve & Co. for the Petitioner

Mr. H. S. Venegavkar, P.P. a/w Ms. P. P. Shinde, A.P.P for the
Respondents-State

PSI Mr. Asif Pathan from Byculla Police Station, is present

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
WEDNESDAY, 31st JANUARY 2024***

P.C. :

1 By this petition, the petitioner seeks the following
substantive reliefs :

*“A) By an order of this Hon'ble Court issue show cause
notice against the Respondent Nos.2 and 3, why the
criminal contempt should no be proceeded further for
breach of order dated 8th October 2021 u/s. 12 r/w. 13 of
Contempt Of Court's Act, 1971;*

B) By an order of this Hon'ble Court pursuant to order dated 8th October 2021 criminal Writ Petition No. 2791 of 2021 be pleased to issue contempt order against Respondent Nos.2 and 3 and/or the concerned officers for negligence on their part, for not compliance of undertaking given to this Hon'ble Court to take decision on complaint filed by the Petitioner within two weeks from order dated 8th October 2021 on such terms and conditions.”

2 Learned A.P.P submits that there is no breach of the order dated 8th October 2021, inasmuch as, the petitioner's complaint was decided on the very same day i.e. on 8th October 2021 and accordingly the said decision was communicated to the petitioner. Although learned counsel for the petitioner states that the petitioner has not received any communication, learned A.P.P submits that a letter was sent by registered post informing the petitioner of the same and even a Whats App message was sent. According to learned counsel for the petitioner, the said Whats App number is not of the petitioner.

3 Be that as it may, the fact remains that the order dated

8th October 2021 passed by this Court in Criminal Writ Petition No. 2791/2021 has been complied with by the police and as such, the question of contempt by the police does not arise. Accordingly, nothing survives for further consideration in the petition.

4 Needless to state, that it is open for the petitioner to file a private complaint, if so maintainable in law, before the appropriate forum/Court, since the petitioner's complaint has been closed by the police.

5 Contempt petition is disposed of accordingly.

MANJUSHA DESHPANDE, J. REVATI MOHITE DERE, J.