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

CONTEMPT PETITION NO. 503 OF 2024

Vishwajeet Vinayakrao Jadhav

.. Petitioner

Versus

Manisha Jadhav and Ors.

.. Respondents

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- Mr. Sangramsingh R. Bhosale a/w. Mr. Siddharth A. Mehta, Ms. Pushkara A. Bhosale, Ms. Harshada Shrikhande and Mr. Nrupal A. Dingankar, Advocates for Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 09, 2024.

P.C.:

- 1.** Heard Mr. Bhosale, learned Advocate for Petitioner.
- 2.** This is a Contempt Petition filed by Petitioner against Respondents for their action to issue notice under Section 41-A(1) of the Code of Criminal Procedure, 1973 (for short “**Cr.P.C.**”) to accused Nos.1 and 2 on 27.03.2024. All 3 Respondents are high ranking police officials. He would fairly inform the Court that because of the inaction of Respondents, Petitioner had to approach the learned Special Court, Shivaji Nagar, Pune under Section 156(3) of the Cr.P.C. since the offence was registered on 26.08.2023. He would submit that the learned Special Court by its order dated 07.03.2024 directed Respondents to investigate the offence. He would submit that pursuant thereto the impugned notice under Section 41-A(1) has been issued by

Respondents. He would submit that the said statutory notice ought to have been issued within the stipulated and prescribed time frame of 14 days from the date of registration of offence on 23.08.2023. In that view of the matter, Petitioner has filed present Contempt Petition.

3. Mr. Bhosale, learned Advocate has drawn my attention to the order dated 12.09.2024 passed by this Court on the previous date and would submit that on that date the learned APP was directed to instruct the concerned Police Station to bring the entire record of Crime No.177 of 2023 for perusal of the Court so that the Court could clarify and ascertain the date of issuance the statutory notice under Section 41-A. I have perused the order. It does state so. Learned APP is not present in Court when this matter is called out. This is a serious matter. Three high ranking police officers are being indicted for contempt. None appears for the State. Infact, it is the duty of the concerned APP appearing in the matter to have informed the Court about compliance of the order dated 12.09.2024. The approach of the APP concerned is very casual. Infact, out of the 3 APPs' appearing and assigned to this Court, none are present. Learned Chief PP shall ensure that the APPs' designated to appear in this Court shall remain present when matters are called out. If the learned APPs do not wish to remain present in Court for such important matters after 04:30 p.m. i.e. the Court working hours, they they should be dispensed with / relieved. I also expect the PP and learned Advocate for Petitioner to

also address the Court on the applicability of the guidelines given by the Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar*¹ in respect of the present issue as to whether contempt action can lie in such proceeding. This is so because this is a POCSO case as can be seen from the averments in the Petition.

4. In view of the above, learned APP appearing for the State on the next date is directed to take specific instructions from the Respondents and apprise the Court from the relevant record of Crime No.177 of 2023 about the date of registration of the offence and the date of issuance of notice under Section 41-A(1). I direct the learned APP to take instructions and file short Affidavit to that effect with the necessary annexures. Let the Affidavit be filed within one week from today. Copy of this order be placed before the Chief PP.

5. Stand over to 16th October 2024.

[MILIND N. JADHAV, J.]

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Date: 2024.10.10
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¹ (2024) 8 SCC 273