

V.A Tikam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 503 OF 2024

VAISHALI
ANIL
TIKAM

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by VAISHALI
ANIL TIKAM
Date: 2024.12.06
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Vishwajeet Vinayakrao Jadhav

.. Petitioner

Versus

Manisha Jadhav and Ors.

.. Respondents

.....

- Mr. Sangramsingh R. Bhonsle aw. Mr. Siddharth A. Mehta aw. Ms. Pushkana A. Bhonsle aw. Mr. Nrupal A. Dingankar aw. Ms. Harshada Shrikhande aw. Mr. Vaibhav Kaushish.
- Mr. K.B. Daberao, API, Shivaji Nagar Police Station, Pune.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 4, 2024.

P.C.:

- 1.** Heard Mr. Bhonsle, learned Advocate for the Petitioner.
- 2.** None appears for the Respondents.
- 3.** In view of the previous order dated 12.09.2024 and 09.10.2024 passed by the Court after taking cognizance of Petitioner's case and delineating the charge of contempt, today when the matter has reached hearing, a request is made by API Mr. Daberao to the Court that there is some personal difficulty on the part of Respondent No.1- Investigating Officer to appear since her husband has been hospitalized.

4. Due to some difficulty, it appears that learned APP is also not present today since the matters pertaining to "transfers" were listed by the Court in the morning session.

5. In that view of the matter and the exigency mentioned on behalf of Respondent No.1, present Contempt Petition is adjourned to 18.12.2024 at 2.30 p.m., to be listed 'First on Board'.

6. I am also inclined to issue notice to the Respondents in the Contempt Petition, made returnable on 18.12.2024. Humdast is permitted. Private notice is also permitted. Advocate for Petitioner is permitted to serve the Respondents by any permissible mode of service. They are directed to file their Affidavit-in-Reply to the Contempt Petition; once they are served.

7. The Respondents are directed to take cognizance of the Contempt Petition. Copy of the Contempt Petition along with copy of this order shall be served on the Respondents informing them about the next date of hearing and an appropriate affidavit of service with tangible proof of service shall be filed by the Advocate for Petitioner on the next date. The Respondents shall consider my previous orders and the issue delineated therein and answer the same by filing their appropriate Affidavit-in-Reply to the Contempt Petition on or before the next adjourned date along with reasons and any documentary

evidence, if so desired with an advance copy to the Advocate for Petitioner. This order is passed because none has appeared for the Respondents in Court today. This is an important matter which has been heard by me on two previous occasions. Respondents are required to place on record reasons for issuance of Notice under Section 41A Cr.P.C. 580 days after registration of the FIR in this case. As held in the case of *Arnesh Kumar V/s. the State of Bihar and Anr.*¹, once FIR is registered, Notice under Section 41A of Cr.P.C. ought to be served on accused within two week from the date of institution of the FIR. Hence the Notice under Section 41A issued after 580 days on the date on which Accused are arrested. This requires an answer.

8. Hence, I have issued notice in the Contempt Petition to the Respondents to file their Affidavit-in-Reply and explain the above position. Let the Affidavit be filed by 16.12.2024.

9. Dr. Krishnaiyer, learned APP has mentioned the matter after rising of the Court in Chamber after the above order is dictated in Court. I have informed her that the prosecution should comply with the order passed by the Court today.

10. Stand over to 18.12.2024 at 2.30 p.m., 'First on Board'.

[MILIND N. JADHAV, J.]

¹ (2014) 8 SCC 273.