



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL CONTEMPT PETITION REFERENCE CASE NO. 2 OF 2023

Shri Omkar Jagadish Kulkarni, Civil Judge, Jr. Dn, Parseoni

..vs..

Shri Dnyanoba Gunwant Palnate and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Pathan, Addl.P.P.for the State.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 06/09/2024.

Heard.

2. This is a reference under Section 15(2) of the Contempt of Courts Act, 1971 made by the Judicial Magistrate First Class (JMFC) seeking an action of contempt against the respondent no.1 Contemnor.

3. The facts in brief are that the Magistrate has issued directions under Section 156(3) of the Code of Criminal Procedure to the concerned Police and also directed to submit the report within one month. In pursuance of said order dated 23.02.2021, the crime has been registered on 26.02.2021 on which the investigation was handed over to contemnor. During the course of investigation, several steps have been taken. The Reference denotes that the learned Magistrate was not satisfied regarding the mode and manner of investigation and pointed out several lapses and according to him, it is deliberate act of dereliction in duty. Moreover, the Magistrate noted that despite directions, within one month the report has not been

submitted and therefore, the contempt. While issuing show cause notice the learned Magistrate has categorized the lapses by stating that the report was not filed within one month, investigation was not carried properly, some loopholes were intentionally left and accused were not arrested. To our mind, as regards to the lapses in the part of investigation that cannot be deemed to be a willful disobedience of the court order.

4. Obviously, learned Magistrate may report to the higher authorities of the Police to bring the lapses if any, to his notice. It reveals that despite directions within one month the report has not been submitted to the Magistrate. There is no denial that such report was not submitted, however after issuance of directions to the Police to register the crime, the law does not specify a time to complete the investigation and file a charge-sheet. True, the Magistrate has directed to submit the report but it is not clarified as to what was expected by the Magistrate either to file a charge-sheet or just to inform the Magistrate as to what action was taken. Besides that the informant has filed a reply before the Magistrate as well as before us stating that he being newly appointed due to inadvertence he has failed to submit the report as directed. The contemnor has his own justification as to why he did the particular acts during the process of investigation to which we are not concerned in this contempt.

5. Considering the nature of breach and the unconditional apology tendered by the contemnor, we do not see any reason to stretch the matter any more. In

view of that, we accept the unconditional apology and accordingly, contempt proceedings is hereby dropped.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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