

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.31 OF 2025

Abhijeet Shrimant Shedole

... Petitioner

V/s.

Chandrarashan Namdevrao Gaundgave

Investigation Officer,

Shri Sandip Anand Kamat,

Officer Incharge.

... Respondent

Mr. Abhijeet Shrimant Shedole, Petitioner in-person is present.

None for the Respondent.

CORAM : SANDEEP V. MARNE, J.

Dated : 17 February, 2025.

PC. :

1. The Petitioner has filed this petition urging this Court to initiate action for contempt of Court on the ground of violation of the directives issued by the Supreme Court in ***Arnesh Kumar Vs. State of Bihar (Criminal Appeal No.1277 of 2024 decided on 2nd July, 2017)*** and of the Delhi High Court in ***Amandeep Singh Johar Vs. State of NCT of Delhi and anr. (Writ Petition (Civil) No.7608 of 2017 decided on 2nd February, 2018)***.

2. The Petitioner desires to appear in-person. He has been interviewed by the Committee which has found him unfit to appear in-person before this Court. Petitioner was accordingly offered the service of Legal Aid Panel

Advocate. However he has urged before me that he be permitted to plead his own case. Accordingly, Petitioner in-person has been heard.

3. The Petitioner believes that the notice issued to him under provisions of Section 41A of the Code of Criminal Procedure is in violation of the judgment of the Apex Court in ***Arnesh Kumar*** (supra) and in ***Amandeep Singh Johar*** (supra). If that is the case, Petitioner will have to adopt necessary remedies in respect of issuance of notice to him under Section 41A of the Act and in respect of registration of the FIR. Mere violation of ratio of judgment of the Apex Court or of any High Court cannot *ipso-facto* amount to contempt of those Courts. In any case, this Court cannot initiate contempt proceedings for breach of order passed by the Supreme Court or by Delhi High Court. Reserving the liberty for the Petitioner to adopt necessary remedies in respect of the alleged illegality in the manner of issuance of notice under Section 41A of the Code as well as in respect of registration of FIR, the Contempt Petition is closed and disposed of.

(SANDEEP V. MARNE, J.)