



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 491 OF 2025

(Sajeda Parveen Shaukat Ali Vs. The Superintendent of Police, Akola & Anr.)

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

Court's or Judge's orders.

Mr. P.U. Kavishwar, Counsel for the petitioner.
Mr. D.V. Chauhan, Government Pleader/Senior Counsel with
Mr. K.R. Lule, A.P.P for the respondents/State.

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CORAM : ANIL L. PANSARE AND
RAJ D. WAKODE, JJ.
NOVEMBER 18, 2025

On 6/11/2025, following order was
passed :

“This is yet another petition where we find the police department has taken the Court for granted in the sense despite the orders, the respondents have not complied with the same.

2. Respondent No.2 was called upon to submit a report as to why action under the provisions of Contempt of Courts Act, 1971 should not be initiated against him. This order was passed because respondent No.2 failed to comply order dated 08/10/2024 passed by the learned Magistrate in Misc. Criminal Case No.673/2024 to investigate the offence. The respondent No.2 failed to file response.

3. On previous date i.e. 07/10/2025, the learned Additional Public Prosecutor sought time to comply the order. Time was granted. The respondent No.2 has not filed report, even today.

4. We accordingly call upon respondent No.2 to remain present before the Court for passing further orders under the provisions of Contempt of Courts Act, 1971.

5. So far as respondent No.1 is concerned, we had called upon him to look into the matter personally and monitor the investigation and to ensure progress in the investigation. He was

further called upon to file report of progress in investigation, by 07/10/2025 which he failed to do. Same is the position today.

6. This is the reason why we said that this is yet another petition where police department has taken the Court for granted.

7. We are therefore left with no other alternative but to initiate proceedings under the Contempt of Courts Act, 1971 against respondent No.1 as well because his conduct indicates willful disobedience of the Court's orders.

8. Accordingly, we call upon respondent No.1 to show cause as to why action under the Contempt of Courts Act should not be initiated ?

9. Let this order so also the orders dated 16/09/2025 and 07/10/2025 be served upon the appointing Authority of both the respondents for taking note of their conduct and to take appropriate action at departmental level.

10. List in the week commencing from 17/11/2025.

11. Both the respondents shall remain present before the Court on the next date either physically or virtually.

12. All concerned to act upon authenticated or uploaded copy of this order.”

2] In response to the aforesaid order, both the respondents are present before the Court. Mr. D.V. Chauhan, learned Government Pleader/Senior Counsel has tendered across the bar hard copy of an affidavit filed by the respondents, which otherwise is said to have been filed through e-filing. The hard copy is taken on record.

3] Mr. D.V. Chauhan, learned Government Pleader/Senior Counsel submits that Court's expectations were duly met with by both the Officers. Order dated 8/10/2024 passed by the learned Magistrate in Miscellaneous Criminal Case No. 673/2024, directing the

Police to investigate the offence, has been complied with. A First Information Report (FIR) has been registered vide Crime No. 136/2024 at Police Station – Old City, Akola.

4] Thus, respondent no.2 has not really failed to comply the Magistrate's order, unfortunately, this fact was not brought to the notice of this Court.

5] The order dated 6/11/2025 passed by this Court indicates that the respondent no.1 was called upon to look into the matter personally and monitor the investigation and ensure progress in the investigation. He was called upon to file progress report by 7/10/2025, which he failed to do.

6] Mr. D.V. Chauhan, learned Government Pleader/Senior Counsel submits that progress report was handed over to the concerned A.P.P. He submits that for some reason, it appears that the A.P.P. lost sight of the fact and failed to point out to the Court that the respondents herein have diligently acted in terms of the Courts orders.

7] Thus, it appears that the respondents have not committed fault, but have acted in terms of order passed by the Magistrate so also this Court. As stated earlier, FIR has been lodged in terms of the Magistrate's order. The investigation is in progress. It further appears that respondent no.1 apprised the concerned A.P.P. about progress in the investigation. Unfortunately, both these facts were not brought to our notice and, therefore, we were constrained to pass order dated 6/11/2025 calling upon these Officers to show cause as to why proceedings

under Contempt of Courts Act, 1971, should not be initiated.

8] Considering the submissions made today, since the respondents have acted diligently, there appears no reason why should proceedings under Contempt of Courts Act be initiated against them. The proceedings to that effect stand dropped. We, however, request Mr. D.V. Chauhan, learned Government Pleader/Senior Counsel to encourage the APPs to assist the Court effectively.

9] In view of above, the directions issued in paragraph 9 of order dated 6/11/2025 are recalled.

10] Coming back to the prayers in the petition, it read as under :

“a) To the respondent 2 to make detailed investigation in Crime No. 136/2024, by tracing the accused persons & recovering the defrauded amount from them within the specific time bound period;

b) To respondent no 2 to file the Charge-sheet against the accused persons within the specific time bound period in view of the order dated 03.01.2024 (ANNEXURE – C) and order dated 8/10/2024 (ANNEXURE G) in the interest of Justice;”

11] Thus, the petitioner expect respondent no.2 to make detail investigation. The petitioner also expect respondent no.2 to complete the investigation within stipulated time and to file chargesheet.

12] Mr. D.V. Chauhan, learned Government Pleader/Senior Counsel submits that effective steps are being taken, and the investigation will be completed as expeditiously as possible. The statement is accepted.

13] So far as filing chargesheet is concerned, Mr. D.V. Chauhan, learned Government Pleader/Senior Counsel submits that the allegations made in the FIR are serious but chargesheet will be filed depending on the outcome of the investigation, which, in all probability, will result in filing chargesheet. The statement is accepted.

14] The petitioner is satisfied with the subsequent developments, and submits that purpose of filing the petition has been served. He, however, seeks liberty to approach the Court, if contingency so arises.

15] Permission is granted. The petition is disposed of with liberty as prayed for.

(JUDGE)

(JUDGE)

Sumit