



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CONT. PETITION NO. 125 OF 2026

HARICHANDRA LAXMAN SHINDE

VERSUS

ANUP KUMAR SINGH THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY HOME DEPARTMENT MANTRALAYA MUMBAI

...

Mr. M. R. Khutwad, Advocate for the Petitioner

Ms. Neha B. Kamble, AGP for Respondent/s-State

...

CORAM : SMT. VIBHA KANKANWADI AND
AJIT B. KADETHANKAR, JJ.

DATE : 23.04.2026

PER COURT :-

. Heard learned Advocate for the petitioner. The petitioner contends that there is non-compliance of the order passed by this Court on 16th September 2025 in Criminal Writ Petition No.687 of 2024 filed by the present petitioner. According to him, still the medical certificate has not been collected and the requisite sections have not been added.

2. Here, it is to be noted that the petitioner had sought in the petition direction to appoint an independent officer to investigate the F.I.R. lodged by the petitioner and further prayer was made for addition of Sections 326, 307, and 452 of the IPC. The communication was placed before the Court on 16th September 2025 stating that the Investigating Officer would collect the medical certificate within one month and thereafter file the necessary report

to the Trial Court. We were hoping that the Investigating Officer would invoke the appropriate sections, taking into consideration the medical certificate. Further observation is that even if those sections are not added at this stage, they can be added at a later stage of the enquiry or the trial. The writ petition was then disposed of, that means the said communication tendered by the Investigating Officer was not taken as an undertaking and no directions were given to the Investigating Officer. Under such circumstances, it can not be stated that non-adherence to the said communication by the Investigating Officer would amount to willful disobedience of the order passed by this Court on 16th September 2025. The medical certificate of the petitioner or the concerned injured in the matter would still be accessible to the petitioner, might be even under the Right to Information Act and then, by invoking Section 311 of Cr.P.C. The Trial Court at the time of taking cognizance or at the time of framing charge or even thereafter till the conclusion of the trial, can add those sections if the circumstances and the evidence permit. Under such circumstances, we are of the opinion that cognizance need not be taken under the Contempt of Courts Act.

3. The Contempt Petition is dismissed.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)