

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 685 OF 2026

Chandrakant Chaganlal Shah

...Petitioner

Versus

State of Maharashtra

...Respondent

Mr. Chandrakant C Shah, Petitioner-in-person.

Mr. A R Metkari, APP for the Respondent-State.

CORAM : N. J. JAMADAR, J.

DATE : 20th FEBRUARY 2026

Oral Order:

1. Heard the petitioner-in-person.
2. The petitioner is aggrieved by an order dated 29th January, 2026 passed by the learned Magistrate, First Class, Mulund.
3. By the said order the learned Magistrate had issued a notice of Contempt of Court to the petitioner, purportedly, for being rude to the Presiding Officer. It further appears that, the learned Magistrate has withdrawn the said notice, as the petitioner had orally apologized.
4. The petitioner submitted that, though the notice has been withdrawn, the issuance of notice for alleged of contempt of Court was without jurisdiction, and thus, the notice be declared null and void. It was submitted that, the learned Magistrate has no jurisdiction to take action for contempt of Court. Reliance

was placed on the judgment of the Supreme Court in the case of *Daroga Singh & Ors. Vs. B. K. Pandey*¹.

5. I have perused the notice issued by the learned Magistrate. Undoubtedly, the title of the notice is notice of Contempt of Court. However, the notice is required to be read as a whole. Nomenclature of impugned notice is not of decisive significance. On careful perusal of the notice, it becomes evident that, the learned Magistrate took umbrage at the manner in which the petitioner interacted with the learned Magistrate, while the latter was discharging his judicial functions. The relevant part of the notice reads as under :-

“But, you have rudely made statement that other matters are being taken up, but I have been discriminated. Therefore, it is told by the Court that this is not a manner in which you have supposed to talk with the court. Then, you per contra relied the court that this court has also no manners to talk.

This Court is already entrusted with the remand duty of four police stations, bail etc. This Court has also repeatedly informed about the same to you, despite it, you are insisting to take the matter and not only this talking rudely with the Court. Therefore, your explanation is hereby called as to why action for Contempt of Court shall not initiated against you.”

6. The aforesaid contents of the notice *prima facie* indicate that, the action would clearly fall within the ambit of the

¹ 2004 (5) SCC 26

provisions contained in Section 228 of the Indian Penal Code, 1860. Moreover, since the learned Magistrate has withdrawn the notice, there is no propriety in entertaining the petition any further.

7. It is, however, clarified that, the action of the learned Magistrate in issuing the notice to the petitioner appeared to be relatable to the offence punishable under Section 228 of the Indian Penal Code, 1860.

8. Subject to the aforesaid clarification, the petition stands disposed.

[N. J. JAMADAR, J.]