



CNR No. MHWR030007212013

Cri. M. A. No. 417/2013

Nilesh Vs. Akhilesh + 2

ORDER BELOW EXH. 01

In the present proceedings applicant had initially prayed for taking cognizance of offence against the non-applicants for the offences punishable under Sections 465, 466, 199, 200, 201, 407, 474, 109 & 120-B of the Indian Penal Code. Further, he had also prayed for referring the Contempt to the Hon'ble Bombay High Court and issuance of direction to the Bar Council of Maharashtra & Goa for initiating inquiry against the non-applicants.

2. Perusal of record shows that, thereafter as the applicant prayed for initiating proceeding of Contempt, the registry i.e. Asst. Superintendent of the Court was directed to register the petition as Contempt Petition *vide* order below Exh. 01 dated 16/11/2013. Further, the record also shows that, non-applicant No. 2 had challenged the said order before the Hon'ble Bombay High Court bearing Criminal Writ Petition No. 268 of 2014. Copy of the order in the said Writ Petition dated 31/01/2023 reflects that, said Writ was withdrawn by the petitioner and the Hon'ble Bombay High Court was pleased to grant liberty to him to participate in the proceeding pending before this Court.

3. Accordingly, non-applicant Nos. 1 & 2 have filed their objection *cum* say at Exh. 21 along with certain documents and resisted the proceedings. Applicant filed his say over the same at Exh. 26. Applicant has also filed his written notes of arguments at Exh. 24 on 10/06/2024 alongwith total 50 citations. Further, non-applicant

Nos. 1 & 2 filed pursis at Exh. 31 intimating that they do not want to file any further say or advance any further arguments.

4. However, it is pertinent to note that, despite of direction and withdrawal of the Writ Petition challenging the said directions, the matter is not yet registered as the Contempt Proceeding. Further, as observed in the order dated 31/01/2023 in Criminal Writ Petition No. 268 of 2014, an inquiry is proposed as to whether the Contempt as alleged has been committed or not.

5. Therefore, after re-registration of the present proceeding as Contempt Proceeding, the matter will be fixed for adducing evidence, if any, by both the parties with regard to the inquiry of the alleged Contempt. *Needless to mention*, if the parties don't want to adduce any further material in addition to what is already filed on record, they will be at liberty to intimate the same to the Court by filling appropriate *pursis* and thereafter, the matter can be fixed for the appropriate stage.

6. Therefore, in light of the order below Exh. 01 dated 16/11/2013, the registry i.e. Asst. Superintendent of this Court is hereby directed to re-register the present proceeding as Contempt Petition.

7. After registration of the proceeding as directed above, both parties shall appear before the Court on the date so fixed, either themselves or through their Ld. Advocates, and file *pursis* regarding their intention whether or not to adduce any further material regarding the proposed inquiry and thereafter, the matter be fixed for passing further appropriate orders.

8. Both parties, Assistant Superintendent of the Court & concerned Clerk to take note of this order and comply accordingly.

Place : Wardha.

(Vickrant P. Khandare)

Date : 29/07/2025

Judicial Magistrate First Class, Wardha.

(Court No. 1)