

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
BENCH AT AURANGABAD.  
CRIMINAL APPELLATE JURISDICTION.**

**Criminal Contempt Petition No.01 Of 2012.**

**Along with**

**Criminal Contempt Petition No.01 Of 2013.**

**Cri.Contp.Petition No.01/2012.**

R.V. Wanwadi,  
Age : Major, Occ.: Service.  
Joint Civil Judge, (Junior Division), Sillod.  
Through the Principal District & Sessions Judge,  
Aurangabad. **:: Petitioner.**

**Versus**

Nandini Tulshiram Salve & Ors. **:: Respondents.**

**Cri.Contp.Petition No.01/2013.**

Mrs. Indrakala Joginder Nanda,  
Age.: 44 Years, Occ.: Service.  
Judge Family Court, Aurangabad  
Through the Principal Judge,  
Family Court, Aurangabad. **:: Petitioner.**

**Versus**

Nandini Tulshiram Salve & Ors. **:: Respondents.**

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Nandini Tulshiram Salve  
Age : 35 Years, Occ.: Household.  
R/o.: N/2, Thakare Nagar, Plot No.1,  
CIDCO, Aurangabad.  
**Present Address :-**  
56, Vishnuwadi, Rambhavan, near Vasant-Prabha  
Hospital, Buldhana, Dist. Buldhana. **:: Contemnor.**

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**Appearance =>**

Mr. Anil Basarkar, Advocate (Appointed) for the Petitioner in Cri.Contp.Petition No.1 Of 2013.

Mr. V.N. Damale, Advocate (Appointed) for the Petitioner in Cri. Contp. Petition No.1 Of 2012.

Mr. S.D. Kaldate, A.P.P. for the State of Maharashtra.

Mrs. Renuka Ghule – Palve, Advocate for the Contemnor in both Cri. Contp.Petitions.

Contemnor in both the Petitions - Nandini Tulshiram Salve, is present before the Court.

**CORAM : S.S. Shinde &  
V.M. Deshpande, JJ.**

**DATE : 28<sup>th</sup> January, 2014.**

**ORAL JUDGMENT :- [ Per S.S. Shinde,J.]****Criminal Contempt Petition No.1 Of 2012. =>**

Mr. R.V. Wanwadi, Joint Civil Judge,(Civil Judge,) & Judicial Magistrate, (F.C.), Sillod, Dist. Aurangabad submitted Reference U/Section 15(2) of the Contempt of Courts Act, 1971 r/with Contempt of Courts (Bombay High Court) Rules, 1994, specified in Chapter XIII of Criminal Manual, through the Principal District & Sessions Judge, Aurangabad *vide* Conf. O.No./Judl.Cri./558/2012 dated 28<sup>th</sup> September, 2012, to the Registrar ( Judicial ) of High Court of Judicature at Bombay, Bench at Aurangabad. Said reference is registered as Criminal Contempt Petition No.1 Of 2012.

(2) Mr. R.V. Wanwadi, Jt.C.J.J.D. & J.M.F.C. has decided Regular Trial Case No.182 Of 2007 (The State V/s. Tulshiram & Ors.) on 13<sup>th</sup>

January, 2012 and, thereby, acquitted all the accused from the offences punishable U/Section/s 498(A), 323, 504, 506 read with 34 of the Indian Penal Code, 1860. Accused No.1 Tulshiram Namdeo Salve is the husband of Contemnor, where-as rest of accused are his close relatives. After passing of such Judgment and Order, the Contemnor allegedly circulated the pamphlets in the premises of the District Court under the guise of deemed permission of the District Court and also pasted those pamphlets on the wall and, thereby, criticized the decision given by Mr. R.V. Wanwadi, Jt.C.J.J.D. & J.M.F.C., Sillod and also used abusive language. Thus, according to Mr. R.V. Wanwadi, Jt. C.J.J.D. & J.M.F.C., as the Contemnor made humiliating accusation against him with *malafide* intention to defame and disrespect him and, thereby, the dignity of Court is lowered down, therefore, reference is made to this Court. Said reference is registered as Criminal Contempt Petition No.01/12.

(3) This Court (Coram : A.H. Joshi & U.D. Salvi, JJ.) on 16<sup>th</sup> October, 2012 admitted this Contempt Petition and issued bailable warrant against the Contemnor in the sum of Rs.10,000/- returnable on 4<sup>th</sup> December, 2012.

(4) Today when this Contempt Petition is called out for hearing, the learned counsel appearing for the Contemnor - Nandini Tulshiram Salve has tendered across the bar an *affidavit-in-reply* sworn by the Contemnor. In paragraph No.1 of said *affidavit-in-reply*, the Contemnor has tendered unconditional apology and submitted that, she had no intention to commit any act, which constitute the contempt and it was unintentional and not deliberate.

(5) In paragraph No.2 of said *affidavit-in-reply* she has submitted that, contempt petition needs no reply to the extent of publishing and circulating the pamphlets and criticizing the decision given by the Court, since she admits the said contents. Further in paragraph No.3 she has stated that, she is tendering unconditional apology.

(6) It is submitted on behalf of the Contemnor that, due to her matrimonial dispute, she was disturbed and she does not wish to comments on the merit of the case. It is further stated that, the Contemnor has responsibility of one young daughter and age old parents, who are suffering from illness. According to the Contemnor, for some time she became aggressive and whatever had happened earlier, was not intentional one. Lastly, by tendering unconditional apology, the Contemnor prays to take lenient and sympathetic view considering that she is having young daughter and ailing parents.

(7) In the light of the contents of an *affidavit-in-reply* filed by the Contemnor and in view of the fact that, the Contemnor has tendered unconditional apology, stating that she does not wish to comment on merit, we are of the opinion that, present Criminal Contempt Proceedings deserves to be dropped.

(8) However, we issue words of '**caution**' to the Contemnor that, henceforth, she should refrain herself from indulging in any activities, which constitute the contempt of Court and which are referred in the Reference by the concerned Court. Thus, by accepting the unconditional apology tendered by the Contemnor and by issuing words of '**caution**', present Criminal Contempt Proceedings stand terminated and is accordingly disposed off.

**Criminal Contempt Petition No.2 Of 2013. =>**

(9) Mrs. Indrakala Joginder Nanda, Judge, Family Court, Aurangabad submitted Reference U/Section 15(2) of the Contempt of Courts Act, 1971 read with Contempt of Courts (Bombay High Court) Rules, 1994, specified in Chapter XIII of Criminal Manual, through the Incharge Principal Judge, Family Court, Aurangabad *vide* Conf.O.No.1 Of 2013 dated 16<sup>th</sup> January, 2013, to the Registrar ( Judicial ) of High Court of Judicature at Bombay, Bench at Aurangabad.

(10) Mrs. Indrakala Joginder Nanda, Judge Family Court, Aurangabad decided Petition No. E/167/2010 on 10<sup>th</sup> January, 2012 (Mrs.Nandini V/s. Tulshiram). It was for grant of maintenance U/Section 125 of the Code of Criminal Procedure, 1973. After passing of such Judgment and Order, the Contemnor allegedly indulged in acts which tend to undermine the authority, which bring the Judge in disrepute and disrespect, therefore, Reference is made to this Court. Said reference is registered as Criminal Contempt Petition No.01/13.

(11) This Court has admitted the Contempt Petition and issued Bailable Warrant to the Contemnor in the sum of Rs.5,000/- returnable on 22<sup>nd</sup> April, 2013. Thereafter, from time to time, present Petition appeared on the board however, on some occasions, the Contemnor remained absent before the Court, therefore, this Court constrained to issue Bailable Warrant, so as to secure the presence of the Contemnor.

(12) When this Contempt Petition is taken up for hearing today, the learned counsel appearing for the Contemnor (Respondent No.1) has tendered across the bar an *affidavit* sworn by the Contemnor. Said *affidavit*

is taken on the record. In paragraph No.1 of said *affidavit* in reply, the Contemnor has tendered unconditional apology. Said apology is repeated once again in the said paragraph. In paragraph No.4 of said *affidavit*, the Contemnor has stated that, she does not wish to comments on the alleged contempt in details, since she is praying for unconditional apology for the acts done by her. Some portion of paragraph No.4 of the *affidavit-in-reply* is not properly worded, which reads thus :-

..... As I became disturb due to the matter is transferred from this Court to Sillod Court as the criminal case U/Sec. 498-A of I.P.C is pending before the Hon'ble J.M.F.C., Sillod and also the lady constable I become aggressive when the Hon'ble Court called the police and the lady constable Smt. Sonvane caught me and removed out of the court hall and I get disturb as the Hon'ble Court intentionally inserted me from the court, therefore, it is happened.”

(13) When the learned counsel appearing for the Contemnor is confronted with the aforesaid portion of Paragraph No.4 of the *affidavit-in-reply*, she accepted the mistake/s occurred in said paragraph and on oral instructions from Respondent No.1 submits that, it is true that, paragraph No.4 is not happily and properly worded. She submits that, by the aforesaid extracted portion, the Contemnor wish to states that, she got disturbed as lady police constable was asked to remove her from the Court Hall. She submits that, respondent No.1 does not want to place reliance on the same hence, said portion may be ignored / excluded from consideration of this Court. The statement of learned counsel of Contemnor is accepted.

(14) Upon careful reading of Paragraph No.5 of said *affidavit*, it appears that, the Contemnor prays for unconditional apology and undertakes that, henceforth she will not do any such act, in any Court of Law, which would lower down the dignity of the Court. Upon reading her entire *affidavit-in-reply*, it appears that, due to matrimonial dispute, Contemnor was disturbed. She has responsibility to maintain her daughter and age old parents, further, her husband is not residing with her thus, in such circumstances, according to Contemnor, she became disturbed. By filing *affidavit-in-reply*, the Contemnor has tendered unconditional apology and prays to take lenient and sympathetic view.

(15) Taking into consideration the Reference made and also *affidavit-in-reply* filed by the Contemnor and after hearing the learned counsel appearing for the Contemnor, learned Advocate (Appointed) appearing for the Petitioner and Contemnor herself, who is present before the Court, we are of considered view that, as the Contemnor has expressed repentance and regret for her past acts, and as the Contemnor by filing an *affidavit* has tendered unconditional apology with assurance to this Court that, henceforth she will refrain herself from indulging in any contemptuous behaviour or making unscandalous remark towards any Officer while discharging the judicial function, lenient view needs to be taken. The Contemnor has assured to this Court that, henceforth she will not indulge in such activities, therefore, we dispose of Criminal Contempt Petition in the light of the *affidavit-in-reply* with words of '**caution**' to the Contemnor that, henceforth she should refrain herself from indulging in any such activities, which are particularly referred to in the Reference Order or any other activities which would undermine the authority of Judicial Forums or would cause interference in the administration of justice.

(16) Accordingly, we are of the view that there is no need to proceed against the Contemnor. Hence the Contempt proceedings stands terminated. Accordingly, Criminal Contempt Petition No.01/13 is disposed off. Registry to sent copy of this order to Mrs. Indrakala Joginder Nanda, Judge Family Court, Aurangabad for information.

(17) Accordingly, Criminal Contempt Petition No.01 Of 2012 ( R.V. Wanwadi, Joint Civil Judge, (Junior Division), Sillod *Versus* Nandini Tulshiram Salve & Ors.) And Criminal Contempt Petition No.01 Of 2013 Mrs. Indrakala Joginder Nanda, Judge Family Court, Aurangabad *Versus* Nandini Tulshiram Salve & Ors. stand disposed off.

(18) Registry to sent copy of this order to the concerned Judge/s for their information.

(19) We appreciate sincere efforts taken by the appointed counsel to represent the Contemnor and also the Petitioner/s. We quantify the fees of each of them as Rs.5000/- (Rs.Five Thousand only)

(V.M. DESHPANDE, J.)

(S.S. SHINDE, J.)