



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

CRI. CONTEMPT PETITION REFERENCE CASE NO.1 OF 2024

Anand Yadnyawalkya Borkar -Vs- Shrikrishna B.Thakare and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. D.A.Sonwane Adv. for respondent No.1 and respondent Shrikrishna B.Thakare in
person present.
Mr. N.S.Autkar, APP for respondent No.2.

**CORAM: NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.**

DATE: 20th MARCH, 2025.

1. Heard.

2. This is a reference under sub section 2 of section 15 of the Contempt of Courts Act, 1971 forwarded by the presiding officer of the School Tribunal.

3. The reference is based on an incident of dismissal of the appeal preferred by the contemnor against the Management where he was serving as a teacher. In the appeal the issue was of reduction in rank as it is the case of the contemnor that junior to him was promoted on the post of Head Master.

4. The contemnor has alleged that on 03/09/2024,

when his review application against the order of dismissal of his appeal was taken up for hearing, the Presiding Officer has demanded a bribe of Rs.2,00,000/-. According to him, the aforesaid conduct of the contemnor is contemptuous as neither such demand was made by the Judicial Officer nor there is an iota of evidence to infer such demand.

5. The contemnor was initially appearing in person, who was a teacher by profession, however, having regard to his conduct before the Court, we have directed the Legal Aid Services Authority to provide him a lawyer. Mr. D.M. Sonawane is appointed by the Legal Aid Services Authority to represent the interest of the respondent-contemnor.

6. We have perused the reference and the specific allegation made by the contemnor against the Presiding Officer. It is the case of the contemnor that the Presiding Officer has made incorrect observations that the contemnor was not present before the Tribunal on 03.09.2024. So as to support the said contentions, he has invited our attention to the applications moved by the contemnor seeking certified copies of the documents.

7. Apart from above, our attention is also invited to complaint dated 11.09.2024 so as to claim that at the

earliest opportunity the fact about the demand of bribe was brought to the notice of the Anti Corruption Bureau.

8. With the assistance of the appointed learned counsel Mr.D.A.Sonawane, and the learned Additional Public Prosecutor, we have perused the complaint preferred by the contemnor to the Anti Corruption Bureau. In para No.23 of the said complaint, it is stated that he has reliably learn that for deciding the appeal in favour of the Management,the Management has paid bribe Rs.5,00,000/- to the Presiding Officer and in the para 24, it is claimed by the contemnor that a demand of Rs.2,00,000/- was made from him for allowing the review application to set aside the judgment, which was given in favour of the Management after accepting the bribe of Rs.5,00,000/-. Both these aforesaid statements by the contemnor are not only contradictory to each other but speaks of the intention of the contemnor to make false statement and baseless allegation against the Presiding Officer, which amounts to undermining the authority of the Judicial Officer/Court. The reference under sub-section 2 of section 15 of the Contempt of Courts Act categorically and in detail deals with the conduct of the contemnor, which *prima faice* can be inferred as contemptuous. That being so, we are satisfied

that the respondent contemnor is required to be proceeded against under the Contempt of Courts Act and as such, we are framing following charge against the contemnor.

CHARGE

Shrikrushna B. Thakare, aged 64 years, r/o Pawan Nagar, New Town Badnera (Rly), Taluka and District Amravati (M.S.)Pin.444701, has conducted yourself before the Presiding Officer School Tribunal in Appeal No. 10 of 2016, 39 of 2016 and 67 of 2016 in a contemptuous manner thereby making baseless and bald allegation against the Presiding Officer of demand of bribe. Such contemptuous conduct is with an intention to scandalize the Court and the Presiding Officer so as to undermine his authority. As such, you are liable to be proceeded against under the Contempt of Courts Act,1971, as such the aforesaid charge is framed.

9. If so required, you may file your response to the aforesaid charge within a period of two weeks from today. The charge is explained by Mr. D.A.Sonwane, appointed counsel for the contemnor and the contemnor even at this stage, states that the allegations of corruption made against the Presiding Officer are correct and he still stands by the same. As such we grant time of two weeks to the

contemnor to submit his response to the charge referred above.

10. Stand over to 03/04/2025.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)