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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 4270 OF 2019

Smt. Gangabai w/o Ramrao Kappawar Petitioner

Versus

The State of Maharashtra
& others Respondents

Mr. S.S. Thombre, Advocate holding for Mr. G.R. Ingole, advocate for the petitioner.
Mr. S.W. Munde, AGP for respondents no. 1 to 3.
Mr. M.B. Sadanshive, advocate for respondent no. 4.
Mr. B.M. Dhanure, advocate for respondent no. 5.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 11th September, 2019

PER COURT:

1. This matter is at serial no. 939 and since the learned advocate for the petitioner expressed grave urgency at 5 pm, by the consent of the learned advocate for respondent no. 5 - contesting original complainant, the matter was being heard for admission and grant of interim relief.
2. During the proceedings, as Mr. Thombre, learned counsel for the petitioner was addressing the Court, the Sheristedar of this Court was informed by the clerk of the Court that one person who is accompanying the husband of the petitioner, was video-recording the proceedings in the Court. Consequently, the clerk of



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the Court confiscated the cell phone, brand name Samsung, and produced it before the Court. The person was identified as Dr. Vikram Shridharrao Deshmukh. When the video recorded file was opened, it is clearly seen that Dr. Vikram Deshmukh was video recording the proceedings in the court. After unlocking the cell phone, the Court saw the video. Thereafter the pattern lock got activated and the cell phone got locked. It was handed over to Dr. Vikram Deshmukh in the open Court to open the lock with the pattern code. Thereafter the learned counsel Mr. Thombre and Mr. Dhanure have viewed the video recording and conceded that Dr. Vikram Deshmukh has made a video recording of the Court proceedings.

3. Dr. Vikram Deshmukh stood before the Court and stated that he is a medical practitioner at Aurangabad. He has handed over his Adhar Card issued by the Unique Identification Authority of India, to the Court. The same is confiscated along with his cell phone and both these properties shall be preserved by the learned Registrar (Judl.) until further orders.

4. This video recording clip is auto saved in the Samsung cell phone. Dr. Vikram Deshmukh admitted in open Court that he has



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done it. I called upon the learned advocate for the petitioner to ask him as to the quantum of punishment that he would want to undergo, either seven days in jail or fine of Rs. 1,00,000/- (Rs. One Lakh).

5. He pleaded guilty, apologised and stated that he will deposit an amount of Rs. 50,000/- (Rs. Fifty Thousand) as fine in this Court on or before 25.09.2019. I, therefore, direct that the amount of Rs. 50,000/- (Rs. Fifty Thousand) shall be deposited by Dr. Vikram Shridharrao Deshmukh, in this Court, on or before 25.09.2019. His address on the basis of the Adhar Card is recorded as 78, Swatantray Sainik Colony, Taroda Bk. Nanded, Maharashtra - 431 605. He confirms the same. If the amount is not deposited, this Court would initiate a contempt proceeding for aggravated contempt against Dr. Vikram Deshmukh, besides passing appropriate orders for recovery of amount. In view of the said conduct, this matter will be heard only after the amount of fine is deposited in this Court.

6. Insofar as the merits of the matter is concerned, I find that the conduct of Dr. Vikram Deshmukh, a friend of the husband of the petitioner, should not affect the legal rights of the petitioner,



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who is disqualified as *Sarpanch*. As such, the election for the post of *Sarpanch* scheduled on 12.09.2019 at 2.00 pm shall proceed and the result of the election would be subject to the result of this petition.

7. The Registrar (Judl.) is directed to download the video recording conducted by Dr. Vikram Deshmukh and preserve the same as well as the cell phone and his Adhar Card in the records of this Court, as is normally done.

8. Stand over to 30.09.2019 in the urgent admission category.

RAVINDRA V. GHUGE
JUDGE

dyb