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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.141/2015

Ishwar Kashiram Shirsath,
aged 68 yrs., occu.pensioner,
Range Forest Officer,
r/o 8, Forest Colony,
Near Nagaon Bari, Deopur-Dhule,
Dist.Dhule.

...Petitioner..

Versus

The State of Maharashtra & 25 others.

...Respondents...

.....

Shri Ishwar Kashiram Shirsath – petitioner – party in person.

Shri Umakant Patil, Advocate for respondent nos.1 to 6.

Shri K.S. Patil, APP for respondent nos.7 to 16 and 19 to 26.

Shri S.B. Deshpande, Assistant Solicitor General for respondent no.17.

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**CORAM: A.B. CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE: 08.10.2015

ORDER :

1] The petitioner in person is present. The learned APP has pointed out the order dated 28.1.2014 in Criminal

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Writ Petition No.474/2009. We quote following relevant part of said order :-

"8] In our view, instead of the Division Bench of this Court expressing any opinion, at this prima facie stage and when the criminal law is already set in motion, it would not be fair, just and proper to both the sides. Since the Magistrate is already seized of the criminal proceedings and is to record verification statements. Thus, we have no doubt that the petitioner has ample opportunity to place before the Criminal Courts, all the reports, documents and material, with a view to support and substantiate his case that cognizable offences, punishable under the Indian Penal Code, so also, under the Prevention of Corruption Act have been committed.

9] We have no doubt in our mind that unmindful of any observations made till date, and uninfluenced thereby, the Magistrate will consider the matter and pass appropriate orders, in accordance with law. We have no doubt that once the reports are placed before him, together with supporting documents, then, he would refer to and advert to each of them, so also, the allegations in the complaint and on perusing this entire material, he would then arrive at a firm conclusion, as to whether any cognizable offence has been committed or not. He would then take

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further steps in accordance with law.

10] Leaving all such courses open for the petitioner and to the learned Magistrate, we dispose of this criminal writ petition.

12] We also leave it open to the petitioner to make a request in terms of the applicable legal provisions, so as to avoid conflicting orders, the complaints which are pending before the Court at Shirpur and Dhadgaon, can be assigned to the court of one Judicial Magistrate, First Class. If such an application cannot be taken cognizance of, at the level of the Principal District Judge / District & Sessions Judge, it would be open for the petitioner to take such other steps, and including moving an application before this Court, invoking this Court's jurisdiction under Section 406 and 407 of the Code of Criminal Procedure."

2] We have perused the writ petition, which contains all documents in hand-writing. Pursuant to the earlier order, it appears that the petitioner had filed proceedings since he was alleging offences under the Prevention of Corruption Act and according to the learned APP, before the Special Court, these cases are pending. In the present petition, there are omnibus payers, which with great difficulty, we could cull out. There are

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several mis-joinder of causes of actions and the whole thing is a hotch-potch. The petitioner in person is a pensioner, who was working in the Forest Department as Range Forest Officer and he himself says that during his tenure as a Forest Officer, the alleged offence of cutting of trees had taken place where the road was constructed. It appears that the petitioner was suspended from service by his department, was transferred and also punished for obstructing the Governmental work. We, therefore, find no any element of public interest in the petition, but we find element of annoyance, revenge etc. against the officers of his department. It is well settled that no Public Interest Litigation can be filed or entertained for allowing the litigants to make it a private interest litigation. We, therefore, think that since the petitioner has already availed of the remedy before the trial Courts by filing different cases, no PIL would lie in the instant case for the above-stated reasons since he has personal interest, viz., to take revenge against the officers of the department, who had taken action against him. That apart, the petition contains all documents in hand-writing and as already

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stated, number of mis-joinder of causes of actions,
omnibus prayers and allegations.

3] In the result, we dismiss the present writ petition.
No order as to costs.

(INDIRA K. JAIN, J.)

(A.B. CHAUDHARI, J.)