

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 11 OF 2014

Albany Miranda and Others.

..Petitioners.

Versus

Ramdhari D. Mishra and Others.

..Respondents.

Mr. Siddharth Chandrashekhar, Ms. Li Shu Fen, Ms. Suchitra Ramani, Ms. Farheen Sheikh i/b Mr. Suresh Chandrashekar for the Petitioner.

Mr. Y. K. Tiwari i/b S. yadav for Respondent No. 1 to 3.

Ms. Rebbecca Gonsalves for Respondent No. 13.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **January 15, 2015.**

P. C. :

1. By this petition, the Petitioners are seeking direction to the Registrar of Bombay City Civil and Sessions Court, Bombay to file an FIR with Crime Branch of Mumbai Police in respect of disappearance of papers and proceedings of Bombay City Civil Court Suit No. 4356 of 1992.

2. There is no dispute that papers of the said suit were disappeared from the table of one Mr. B.K. Rathod, Superintendent working on the establishment of City Civil Court. Enquiry was conducted against him. It is not the case

of the Petitioner that somebody has stolen these papers. Departmental Enquiry under the provisions of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 was held against said Rathod by the Principal Judge, Bombay City Civil Court and Sessions Judge, Greater Mumbai. Mr. Rathod was found to be guilty of grave negligence. Accordingly, order was passed on 12th April 2013 imposing a penalty of withholding one increment of Mr. Rathod due in July 2013 with permanent effect.

3. Be that as it may, the Petitioners themselves have filed two Notices of Motion for similar reliefs, which are pending on the file of City Civil Court. In above facts and circumstances, we do not see any reason to entertain this writ petition warranting exercise of extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India. Writ petition is, therefore, dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]