

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2222 OF 2015

Sonali Pravin Chavan.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Ashish Mehta, Sarbari Cheterjee, Avani Rathod and Shivani
Deshmukh for the Petitioner.

Mrs. M. M. Deshmukh, learned APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **November 19, 2015.**

P. C. :

1. By filing this petition under Article 226 of the
Constitution of India, the Petitioner has *inter alia* prayed for the
following reliefs :

"A) this Hon'ble Court may be pleased to
issue a writ of mandamus or a writ, direction or order
in the nature of the mandamus or any other
appropriate writ, direction or order under Article 226
of the Constitution of India thereby directing
Respondent No. 1 to initiate criminal prosecution and
register offence against Respondent No. 7 to 9 within
two weeks from the date of this Hon'ble Court's order;

B) this Hon'ble Court may be pleased to
issue a writ of mandamus or a writ, direction or order
in the nature of the mandamus or any other
appropriate writ, direction or order under Article 226
of the Constitution of India thereby directing

Respondent No. 1 to compensate the Petitioner with compensation of Rs.50,00,000/- within two weeks from the date of this Hon'ble Court's order;

C) this Hon'ble Court may be pleased to issue a writ of certiorari or any writs, direction or order in the nature of the certiorari or any other appropriate writ, direction or order under Article 226 of the Constitution of India thereby be pleased to direct Respondent No. 1 to order suspension of Respondent Nos. 7, 8 and 9 within two weeks from the date of this Hon'ble Court's order."

2. Admittedly, on similar set of allegations as contained in the present writ petition, earlier the Petitioner had filed writ petition in this Court, being Writ Petition No. 1203 of 2012. The said writ petition was disposed of by this Court on 18th July 2013 by issuing various directions. Learned APP for the State submitted that pursuant of the order dated 18th July 2015, disciplinary enquiry was conducted against Respondent No. 7 to 9 and action is taken against them. Photocopies of the record and proceeding of disciplinary enquiry conducted against Respondent No. 7 to 9 have been placed on record by the Petitioner herself at Exhibit-AAA and at Exhibit-BBB. In this fact situation, we are not inclined to consider prayer clauses (a) and (c).

3. Learned Counsel appearing for the Petitioner heavily relied upon the unreported decision of this Court in Salma Babu

Shaikh v. State of Maharashtra in Writ Petition 400 of 2007 decided by Division Bench on 3rd March 2008. He also pressed into service Apex Court decision in Ramesh Kumari v. State [(2006) 2 SCC 677]. We have gone through the ratios laid down in these decisions. In the light of facts stated hereinabove and especially in view of the fact that the Petitioner had earlier approached this Court and pursuant to the directions given by this Court Respondent Nos.7 to 9 have been dealt with accordingly, decisions pressed into service by learned Counsel appearing for the Petitioner will not take case of the Petitioner any further.

4. Relief sought in prayer clause (b) cannot be entertained in exercise of power under Article 226 of the Constitution of India. Adequacy of the punishment granted in the disciplinary enquiry cannot be gone into writ jurisdiction. Besides, the Petitioner has not challenged those orders either in this writ petition or before any appropriate Court or authority.

5. In the light of above, writ petition is dismissed.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]