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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL PUBLIC INTEREST LITIGATION No. 29 OF 2014

Joseph Samuel KamblePetitioner
Vs.
State of Maharashtra and ors.Respondents

WITH
CRIMINAL APPLICATION No. 14 OF 2015
IN
CRIMINAL PUBLIC INTEREST LITIGATION No. 29 OF 2014

Joseph Samuel Kamble ...Petitioner
Vs.
Shashikant Menon and ors. ...Respondents

WITH
CRIMINAL APPLICATION No. 15 OF 2014
IN
CRIMINAL PUBLIC INTEREST LITIGATION No. 29 OF 2014

Joseph Samuel KamblePetitioner
Vs.
State of Maharashtra and ors.Respondents
And

Pai Purshottam Krishna ...Intervenor

Mr.Rahul Kadam for Petitioner
Mr.Kinshok Kislaya a/w. Ms. Archita Bhagwat i/b. Udwadia & Udeshi
for Respondent No.4
Mr.Prakash Naik i/b. Ganesh Bhujbal for Respondent No.5
Mr.S.R. Nargolkar i/b. Swapnil Mohite for Respondent no.9
Mr. C.M. Lokesh a/w. Vaidehi Gole i/b. A.R. Bhole & Co. for
Respondent No.13

CORAM : V. M. KANADE &

Dr. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : SEPTEMBER 30, 2015

P.C. :

1. The Petitioner, who is a social activist, by this petition, which is filed in the form of Public Interest Litigation under Article 226 of the Constitution of India, is seeking the following reliefs:

“(A) This Hon'ble Court under its Criminal Appellate Writ Jurisdiction and more particularly under Article 226 of Constitution of India, 1950 be pleased to issue an appropriate Writ, Order or Direction and thereby direct to Respondent No.2 or 11, 12 or any other Competent Agency of “State” to register an offence against Respondent Nos.5 to 8 and against the Chairman of Respondent No.9 “Bank” along with its Directors, Employees for the offences mentioned in cause title and any other offences committed by them as stated in memo of this Petition.

(B) This Hon'ble Court be pleased to direct the C.B.I. Or any other appropriate authority / competent investigation agency, to immediately start custodial interrogation of the respondent Nos. 5 to 8 and Chairman of Respondent No.9 “Bank” along with its Directors & Employees.

(C) This Hon'ble Court further be pleased to direct the C.B.I. Or any other appropriate authority to freeze the Bank accounts and property of the Respondent Nos. 5 to 8 and others as per sec. 102 of Cr.P.C.

(D) This Hon'ble Court be pleased to direct the Vigilance Department of Respondent No.4 R.B.I. To take over the charge of Respondent No.9 "Bank" and make a deep scrutiny of the all loan cases sanctioned to Respondent No.5 to 8 & Others by respondent No.9 "Bank" expeditiously under the supervision of this Hon'ble Court.

(E) This Hon'ble Court further be pleased to direct the C.B.I. Or nay other appropriate authority to investigate the matter expeditiously under the supervision of this Hon'ble Court.

(F) That this Hon'ble Court if required be pleased to pass an appropriate order directing Respondent "State" machinery i.e. Police that to provide necessary police protection if required because the Petitioner bonafidely apprehending threats, harm to his body at the hands of Respondent mighty persons.

(G) This Hon. Court further be pleased to direct the investigation agency / any other competent authority

appointed by this Hon'ble Court that, to report from time to time, the investigation done, and the compliance of orders passed by this Hon'ble Court from time to time.

2. In our view, the aggrieved persons have an alternate remedy of filing a complaint before the appropriate Forum. We are informed that, in fact, such complaints have already been filed and cognizance has already been taken. We are, therefore, not inclined to entertain this PIL; firstly, because an alternate remedy is available. Secondly, the aggrieved persons are competent to come before us and, therefore, it will not be possible for this Court to entertain this PIL filed by the Petitioner on behalf of the aggrieved persons. Reserving the right of the aggrieved persons to take recourse to the appropriate remedy which is available to them, the present PIL is dismissed.

3. In view of the dismissal of the PIL, Criminal Applications filed therein do not survive and are, accordingly, disposed of. Interim order, if any, stands vacated. The amount, which is deposited by the petitioner, is directed to be refunded to him.

[Dr. SHALINI PHANSALKAR-JOSHI, J.]

[V. M. KANADE, J.]

CERTIFICATE

Certified to be true and correct of the original signed order.

CERTIFICATE

Certified to be true and correct of the original signed order.