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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4389 OF 2014

Shri Yogesh @Charu Ananda ChandanePetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Anand S. Patil, advocate for the petitioner.
Mr. S. K. Shinde, PP along with Mrs. M. M. Deshmukh, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 5th February, 2015.

P.C.:

By this petition under Article 226 of the Constitution of India, the petitioner is challenging appointment of respondent No.3 as Special Public Prosecutor in Sessions Case No.89 of 2013 pending on the file of learned Sessions Judge at Kolhapur. The scope of judicial review so far as appointment of Special Public Prosecutor is considered by the Apex Court in the case of **State of Maharashtra and ors. versus Prakash Prahlad Patil and ors. in criminal appeal No. 748 of 2009.** The relevant portion of the said order is reproduced hereinbelow:

“ The scope for judicial review has been examined by this court in several cases. It has been consistently held that the power of judicial review is not intended to assume a supervisory role or don the robes of omnipresent. The power is not intended either to review governance under the rule of law nor do the courts step into the areas exclusively reserved by the supreme lex to other organs of the State. A mere wrong

decision, without anything more, in most of the cases will not be sufficient to attract the power of judicial review. The supervisory jurisdiction conferred upon a court is limited to see that the authority concerned functions within its limits of its authority and that its decisions do not occasion miscarriage of justice.

In the instant case, acting on a petition filed by close relatives of a victim decisions have been taken at various levels. The High Court was not justified to pick up stray sentences from the records to conclude that there was non-application of mind. In any event, the appointment of a Special Public Prosecutor to conduct a proceeding does not in any way cause prejudice to the accused. In that sense the writ petition before the High Court was wholly misconceived. The impugned judgment of the High Court is set aside. Since the trial appears to have been held up, we direct that the trial court shall make all possible endeavours to see the trial is completed expeditiously and in any event not later than by the end of October, 2009. The appeal is, accordingly, allowed.”

2. The petitioner could not point out any prejudice that is caused to him due to the appointment of Special Public Prosecutor. In the absence of the same, the present petition cannot be entertained and the same is, accordingly, dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)