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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION******PUBLIC INTEREST LITIGATION No. 63 OF 2007******Prashant Vyankatrao Hiray******....Petitioner******Vs.******The State of Maharashtra******....Respondent***

Mr. Anilkumar Patil for the Petitioner

Mr. Vishal Thadani -AGP for Respondent -State

CORAM : V. M. KANADE &***Ms. NUTAN D. SARDESSAI, JJ.******DATE : NOVEMBER 22, 2016*****P.C. :**

1. After the order was passed by this Court on 24th January, 2013 in PIL No. 63 of 2007, today the learned counsel for the Petitioner in the present PIL has invited our attention to the order dated 24th January, 2013 and submits that in the said order, it was mentioned that the said PIL to be heard along with Criminal Appeal No. 748 of 2006. He submits that in view of this, the order passed by us on 21st November, 2016 may be recalled and this PIL may be heard along with Criminal Appeal No. 748 of 2006.

2. In our view, it is not necessary to recall the said order. The brief

facts, which are relevant of the purpose of deciding the objection raised by the Petitioner, are as under:

3. A complaint was registered for the offence punishable under section 302 and other provisions of the IPC. The investigation was made and the accused was tried by the Sessions Judge. The accused, however, was acquitted by the Sessions Court and the certain observations were made by the Sessions Judge, expressing his displeasure over the method in which the investigation done by the police. Certain directions were also given by the Court to the Commissioner of Police. This PIL, therefore, was filed by the Petitioner seeking a writ, order and direction directing the Respondents to re-investigate the case. While granting rule, this Court directed that this PIL should be tagged along with Criminal Appeal filed by the State against the order of acquittal passed by the Sessions Judge.
4. In our view, by granting permission to the Petitioner to intervene in the criminal application and make his submissions, the PIL can be disposed of. Though an order was passed by this Court on 13th September, 2007, directing the State to file an affidavit regarding the steps taken by them as indicated in the judgment and order of the Sessions Court dated

17th November, 2005, no such reply has been filed. The State Government is directed to file a reply in the criminal appeal which is pending in this Court.

5. In view of this, the reliefs claimed by the Petitioner no longer survive and the Petitioner can agitate the same when the criminal appeal will be heard and disposed of. Hence, PIL is disposed of in the aforesaid terms. Hearing of the criminal appeal is expedited. Liberty is granted to the Petitioner to apply for fixed date of hearing.

Ms. NUTAN D. SARDESSAI, J.

V.M. KANADE, J.