

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 15 OF 2012
IN
CRIMINAL PUBLIC INTEREST LITIGATION NO.20 OF 2011

Pravin P. Wategaonkar.	..	Applicant
Vs		
The Central Bureau of Investigation and Ors.	..	Respondents
And		
Prabhakar Vinayakrao Deshmukh.	..	Intervenor/ Applicant.

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Shri Niteen V. Pradhan along with Shri Yogesh Jaybhav and Ms. Suman Prasad i/b Ms. S.D. Khot and Ms. Ameeta Kuttikrishan for the Applicant/Intervenor.

Shri Pravin P. Wategaonkar, the Applicant in person.

Shri K.V. Saste, APP for the State.

Shri Anil C. Singh, Additional Solicitor General along with Ms. Manisha Jagtap for the Union of India and CBI.

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CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 18TH AUGUST 2016

PC.

1. Heard learned counsel appearing for the Applicant/Intervenor. The Applicant is seeking intervention in the Criminal Public Interest Litigation No.20 of 2011.

2. In Criminal Public Interest Litigation No.20 of 2011, there are three substantive prayers which read thus:

- “(a) That this Hon'ble Court may be pleased to pass appropriate writ, order and direction to the investigating officer/agency to invoke the Prevention of Money Laundering Act, 2002 in respect of the Adarsh Society case.
- (b) That this Hon'ble Court may be pleased to pass appropriate writ, order and direction to monitor the investigations of the Directorate of Enforcement in the light of the Prevention of Money-Laundering Act, 2002.
- (c) That this Hon'ble Court may be pleased to pass appropriate writ, order and direction to monitor the investigations of the Directorate of Income Tax (Investigations) in the light of the Income Tax Act.”

3. It is pointed out that a First Information Report was registered and thereafter, three chargesheets have been filed by the Investigating Officer. It is stated that in one of the chargesheets, the present Applicant is shown as the Accused, but so far, cognizance has not been taken by the concerned Court.

4. Our attention is invited to the order passed by this Court dated 1st February 2011 in Criminal Application No.40 of 2011 taken out by the present Applicant in Criminal Writ Petition No.3359 of 2010. The Application for intervention was rejected by the said order dated 1st February 2011 by observing that it is well established that the accused in an FIR has no right to be heard during the stage of investigation. The said order has been challenged by the Applicant by filing Special Leave Petition as disclosed in Paragraph 14 of the Criminal Application.

The Application discloses that the Special Leave Petition was rejected by an order dated 12th May 2011 (Exhibit “H” to the Application). The said order reads thus:

“No ground is made out for interference under Article 136 of the Constitution of India particularly as the right of the petitioners as an accused to challenge any proceedings in accordance with law is not in any way taken away by any of the impugned orders.

Permission to file special leave petitions are, therefore, declined.”

5. We may note here that the Applicant has already filed a substantive Petition being Criminal Writ Petition No.2593 of 2012 wherein, there is a challenge to the FIR. There are other consequential prayers made therein.

6. In Criminal Public Interest Litigation No.20 of 2011, the Petitioner therein has filed Criminal Application No.48 of 2016 seeking relief in the nature of issuing a direction of carrying out further investigation.

7. Hence, in our view, the Applicant/Intervenor is not entitled to be heard in this Criminal PIL. In terms of the order of the Apex Court, he has already availed of the remedy of filing a substantive SLP.

8. Hence, this Application is rejected. We have not made any adjudication on the contentions raised by the Applicant on merits of the contentions raised in the present Application.

(A.A. SAYED, J)

(A.S. OKA, J)