

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 17 OF 2012

IN

CRIMINAL PUBLIC INTEREST LITIGATION NO. 20 OF 2011

The Adarsh Co-op. Housing Society Ltd.	...Applicant
<i>Versus</i>	
Mr. Pravin P. Wategaonkar & Ors.	...Respondents

Mr. Vishesh Kalra, a/w Mr. Subit Chakraborti, i/b Vidhi Partners, for the Applicant.

Dr. F.R. Shaikh, APP for the State.

CORAM : A.S. OKA &
A.A. SAYED, JJ.
DATE : 5th July 2016

P.C. :

1. The only substantive prayer in this Application reads thus :-

“that the writ petition be dismissed and the entire action of the CBI, including registration of FIR, arrest of persons, investigation, etc. be declared as null and void

and without the authority of law and, therefore, illegal;”

2 . Time is sought by the learned Advocate for Applicant on the ground that his senior is not available.

3 . The present Applicant is a party Respondent to the main Public Interest Litigation and therefore, the prayer for dismissal of the Public Interest Litigation will have to be made when the main Public Interest Litigation is heard for admission and/or for final hearing. A challenge to the action of C.B.I. and the action of registration of First Information Report cannot be made by a Respondent in the Criminal Public Interest Litigation by filing an Application in the Public Interest Litigation. Therefore, this Application is not maintainable and is dismissed as such.

4 . However, all contentions raised in this Application are kept open.

[A.A. SAYED, J.]

[A.S. OKA, J.]