

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL PUBLIC INTEREST LITIGATION NO. 19 OF 2014
ALONG WITH
CRIMINAL APPLICATION NO.21 OF 2013
AND
CRIMINAL APPLICATION NO.26 OF 2013

Ashish Khetan. .. Petitioner
Vs
State of Maharashtra and Others .. Respondents

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Shri Mihir Desai, Senior Advocate i/b Shri Vijay Hiremath for the
Petitioner.
Shri Firoz A. Ansari, the Applicant in Criminal Application No.21 of
2013.
Shri Umesh Vasant Mohite, the Applicant in person in Criminal
Application No.26 of 2013.
Shri S.K. Shinde, PP for the State.
Shri Raja Thakare for the Respondent No.3.
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CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 17TH JUNE 2016

PC.

1. As noted in the order dated 29th April 2016, out of three cases which are subject matter of this PIL, the issues regarding two cannot be gone into. As far as the third case of Malegaon Bomb Blast is concerned, on 25th April 2016, an order was made discharging nine accused. The learned Public Prosecutor states that the State Government has already filed an Appeal along with an Application for

condonation of delay for challenging the order of discharge. As far as the German Bakery case (second case) is concerned, the learned Public Prosecutor stated that the State Government has already preferred an Appeal in the Apex Court.

2. We have perused the prayers made in this PIL as well as the averments made in Paragraphs 13 to 55 of the Petition.

3. In case of all three offences, the proceedings are pending either before the Regular Court or before the Appellate Court. Therefore, at this stage, it will not be appropriate to make an adjudication of any issues which are raised in this PIL which have direct bearing on the merits of the cases. Any adjudication of any of the issues by this Court may affect the pending proceedings before either the Regular Court or Appellate Court, as the case may be.

4. The learned counsel appearing for the Anti Terrorism Squad (third Respondent) relied upon a decision of the Apex Court dated 11th October 2012 in Writ Petition (Criminal) No.19 of 2012 (*Gulzar Ahmed Azmi and another v. Union of India and others*).

5. Suffice it to say that in view of the pendency of the proceedings in relation to all the three cases, we decline to entertain

this PIL. Accordingly, the PIL is disposed of. In view of the disposal of the PIL, nothing survives in the Intervention Applications and the same are disposed of.

(A.A. SAYED, J)

(A.S. OKA, J)