

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO.32 OF 2016

Dr. Pankaj Kumudchandra Phadnis Petitioner.

V/s.

Union of India
through
the Law Secretary,
Ministry of Law and Justice,
Government of India.Respondent.

Dr. Pankaj K. Phadnis, Petitioner in person.
Mr. R.V. Govilkar for Respondent/Union of India.

**CORAM: V. M. KANADE &
M.S. SONAK, JJ.**

DATE: 6th June 2016

P.C.:-

1. By this Petition which is filed under Article 226 of the Constitution of India, Petitioner is seeking the following reliefs:-

“(a) Exchange all findings / remarks pertaining to Marathi people in general and Veer Savarkar in particular that imply or impute that they / he was in any involved in the murder of Mahatma Gandhi including but not limited to that in para 25.97, 25.106 and 26.112 of the Kapur Commission report.

(b) Appoint a new Commission of Inquiry to complete the incomplete work of Kapur Commission and establish

I. Whether any persons anywhere in the world – other than those accused in the Gandhi Murder Trial, had prior information of the conspiracy and or participated in such conspiracy. “The conspiracy” being any conspiracy, the object of which was to assassinate Mahatma Gandhi.

II. Whether the motive of the murder was to cause enmity between people of India and Pakistan by sabotaging the Grand Gandhi-Jinnah Reconciliation Project of reviving People to People contact, the effect of which continues to haunt them till today?

(c) Any other reliefs as may be deemed fit and necessary under the facts and circumstances of the case.”

2. It is submitted that the finding given by the Court that three bullets were fired from the Gun to kill Mahatma Gandhi is incorrect and there is material to show that four bullets were fired. Secondly, it is submitted that the observation made by Kapur Commission is incorrect.

3. We are afraid that we will not be in a position to entertain this Petition firstly because finding of fact has been recorded by the competent Court and which finding has been confirmed right up to the

Apex Court. Secondly, so far as the observation made by the Commission is concerned, the said order was passed in 1969 and the present Petition has been filed almost after 46 years.

4. We are therefore not inclined to entertain this Petition for the aforesaid reasons. Petition is dismissed.

(M.S. SONAK, J.)

(V.M. KANADE, J.)