

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.125/2016

Shrirang Jaywantrao Gade.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri A.S. Kadam, Advocate for petitioner.

Shri P.S. Patil, AGP for respondent nos.1 to 4.

Shri N.D. Gusale, Advocate for respondent no.5.

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**CORAM: S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**

DATE: 27.07.2017

ORDER :

1] Heard both the sides.

2] We do not think that the High Court could and should entertain a Public Interest Litigation when an allegation is that a paltry sum of Rs.3,00,000/- was released for setting up of a gymnasium to a private person i.e. respondent no.5 to this petition. Instead of constructing gymnasium out of this money, if public money is appropriated by the respondent no.5 himself, as

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alleged, then, it is not that the High Court has to be rushed to cause an enquiry or investigation. If the petitioner feels that this is a crime against the society, and it is a very serious issue, he should be bold enough to approach a criminal Court and in the event, a FIR is not registered at his instance by a local Police Station, the Code of Criminal Procedure, 1973, has provided ample powers and confers them in the competent criminal Court so as to enquire into and investigate these allegations, and if they constitute an offence punishable under the Penal Laws, to proceed and try the case and punish the guilty person/s. It is not that as if the High Court has a remedy or medicine for all diseases nor is a PIL a cure all.

3] The PIL is misconceived and hence the same is dismissed. The amount deposited by the petitioner is forfeited and it shall be transmitted to the High Court Legal Services Authority at Aurangabad Bench.

(MANGESH S. PATIL, J.) (S.C. DHARMADHIKARI, J.)