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WP-288-2017 (SR.17)
Monday, 25.9.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 288 OF 2017

Sanjraj Harishchandra MangeshkarPetitioner

V/s.

The Chief Minister of
State of Maharashtra

(Through his Chief Secretary)

....Respondent

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Mr. Rajendra Javanjal a/w. Mr. Aniket Gawand, Advocate
for the petitioner.

Mrs. A.S. Pai, Additional Public Prosecutor for the
respondent, State.

Mr. Ajeet Manwani a/w. Mr. Faisal Vora, Advocate for the
Intervenor.

Mr. Mehboob Abbas Inamdar, Assistant Commissioner,
State Intelligence Department, Maharashtra State,
Mumbai present.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

25TH SEPTEMBER, 2017.

P.C. :-

1. The above writ petition has been filed seeking a

direction that the an Independent Special Investigating Team comprising of Senior Officers headed by competent persons or authority of impeccable credentials to conduct an investigation de-novo into C.R. No.11 of 2010 in a time-bound manner, a further direction is sought that, a further investigation by a high-rank officer of the CBI/Independent Investigating Agency for submitting the final complete Investigating Report in accordance with Section 173(8) of the Criminal Procedure Code within a period of 6 months and file chargesheet in appropriate Court, be issued. The third prayer is to direct the CBI to conduct the investigation.

2. The Learned Additional Public Prosecutor, Mrs. Pai, on instructions of the Investigating Officer, Assistant Commissioner of Police, Mr. Mehboob Abbas Inamdar pointed out that the chargesheet has been filed as long back as in the year 2011 and thereafter further investigation was carried out by taking recourse to Section 173(8) of the Criminal Procedure Code and a

supplementary chargesheet was filed in the year 2012. Insofar as, filing of the chargesheets is concerned, the matter rests there. It is the grievance of the petitioner that, only six persons have made accused, though the petitioner has made an allegation, that as many as, 29 persons who comprise officers of the public authorities like Municipal Corporation of Greater Mumbai, MHADA, Officers of the Co-operative Department and even Police Officers are involved. It is on the said basis that the petitioner seems to be making a prayer for transfer of investigation to the CBI. The Learned APP with the assistance of the investigating officer, has tendered a compilation of orders passed by this Court in various matters/petitions filed by the petitioner in this Court, as well as, the Apex Court. In the said compilation, is annexed copy of the order passed by the Division Bench of this Court in Writ Petition No. 2887 of 2010 dated 15th February, 2011. There is no dispute about the fact that, the said petition was also filed for transfer of investigation to the CBI albeit at the time when the investigation was in

progress. The said prayer was rejected by the Division Bench by recording that the Investigation Officer would complete the investigation expeditiously and file a final report. Thereafter, the compilation discloses that the petitioner had filed Writ Petition No.360 of 2013 seeking various reliefs, inter-alia, to the effect that the Competent Officers from the Anti-Corruption Bureau be directed to investigate the officials under Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act and under the provisions of the Indian Penal Code against the 29 accused persons named by the petitioner. In the order passed in the said petition dated 21st March, 2013, the factum of the final report that would be filed, was recorded. The statement of the Learned Counsel for the petitioner was recorded that the petitioner would be challenging the final report which is submitted against the remaining accused. The petition was accordingly dismissed as withdrawn accepting the statement made by the Learned APP. As indicated above, the said petition was dismissed as withdrawn on 21st March, 2013 and

thereafter the instant petition has been filed on 17th January, 2017 for the relief of transfer of investigation to the CBI. As indicated above, apart from the first chargesheet, a supplementary chargesheet has also been filed. Hence, if the petitioner has any grievance, he can always take recourse to Section 319 of the Criminal Procedure Code. Though, the compilation tendered by the Learned Additional Public Prosecutor, comprises of various orders passed by this Court, as well as, the Apex Court, other than those referred to hereinabove, we do not deem it appropriate to advert to the other orders as, in our view, the orders referred to above, suffice the purpose. However, they indicate that the petitioner has filed number of proceedings in this Court, as well as, the Apex Court in respect of the same subject matter. In that view of the matter, no relief can be granted to the petitioner in the above petition. The Writ Petition is accordingly dismissed.