

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.893 OF 2016**

**IN**

**CRIMINAL APPEAL NO.455 OF 2014**

Balmukund Dattatraya Vhanungare ... **Applicant/Intervenor**

**In the Matter Between**

Suresh Ganpati Halvankar ... **Appellant**  
V/s.

The State of Maharashtra & Anr. ... **Respondents**

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Mr.S.S.Patwardhan, Advocate for the Applicant/Intervenor.

Mr.Niteen Pradhan with Ms.S.D.Khot, Advocate for the Appellant.

Ms.A.A.Takalkar, APP for the Respondent No.1/State.

Mr.Rakesh Singh with Mr.Pushkal Mishra & Kazi Khalid I/b.  
M.V.Kini & Co., Advocate for the Respondent No.2. (MSDCL)

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**CORAM : A.M.BADAR J.**

**DATED : 30<sup>th</sup> MARCH 2017.**

**P.C. :**

1 Applicant Balmukund Vhanungare has moved this Criminal Application bearing No.893 of 2016 seeking intervention in the Criminal Appeal bearing No.455 of 2014 filed by Suresh Halvankar.

2 I have heard the learned Advocate appearing on behalf of applicant Balmukund. He argued that the applicant has *locus standi* to intervene in the matter in the wake of Judgment of the Honourable Apex Court in the matter of ***Sheonandan Paswan v. State of Bihar & Ors. (1987) Supreme Court Cases 288***, wherein it is held by the Honourable Apex Court that law can be set in motion by anybody and criminal proceeding is not proceeding for vindication of a private grievance, but is a proceeding initiated for the purpose of punishment for the offender in the interest of the society. The learned Advocate further argued that in the appeal filed by appellant/accused No.2 Suresh and accused No.1-Mahadev Halvankar, applicant Balmukund had approached the Honourable Apex Court challenging the order of this Court suspending sentence imposed on applicants and the Honourable Apex Court had permitted him to file the SLP by an order dated 25<sup>th</sup> August 2014. It is further argued that his Application arising out of the subject matter wherein the writ petition is filed by accused persons is also admitted for final hearing by this Court.

3 Learned senior counsel further argued that as the criminal case came to be registered on the basis of investigation done in pursuant to the FIR lodged by the officer of the MSEDCL and as the offence is against the MSEDCL, which is agreed for composition thereof, the third party has no right to intervene in

the matter and, therefore, intervention application in the matter needs to be rejected.

4           Considering the fact that criminal law can be set in motion by any person, as well as, the fact that the intervenor was permitted to file SLP by the Honourable Apex Court for challenging the order of suspension of sentence of appellant/accused No.1 and accused No.2-Mahadev by this Court, the application for intervention deserves to be allowed. In the result, the following order.

Hence, the order :-

The application for intervention is allowed.

**(A.M.BADAR J.)**