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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.5084 OF 2014

Vishwas Vasant Tamhankar	 Petitioner.
V/s.	
The State of Maharashtra and anr	 Respondents

Mr. Sunil Kadam, for the Petitioner.
Mrs. G. P. Mulekar, APP for the Respondent State.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 18th JANUARY, 2017.

P.C. :

1. By this petition filed under Article 226 of the Constitution of India, the petitioner is seeking following reliefs:-

- (a) That this Hon'ble Court be pleased to issue appropriate writ, order and direction, directing the Respondent No.1 to set up investigation and to decide the application filed by the present Petitioner on 22nd May, 2014 contended therein all injustice with the present Petitioner and to direct the above Respondent Nos. 1 to 3 to take action.
- (b) That this Hon'ble Court be pleased to call the records from the Respondent No.3 Anti Corruption Bureau in respect of what action has taken out by the Anti Corruption Bureau even after petitioner

has supplied a CD of the communication between Mr. Dhanraj Vanjari and Mr. Pankaj Thorat about Mr. Dayanand Gavas delivered Rs.5 lacs to Mr. Ajit Sawant at his residence.

c. That this Hon'ble Court be pleased to call record in respect of suspend order pass on 25th July, 2013 by the respondent No.7. The Commissioner of Police, Brihan Mumbai, as to the Commissioner of Police Brihan Mumbai has not complied proper procedure for suspension order.

d. That this Hon'ble Court may be set up or investigate as to the movable and immovable properties Mr. Dayanand Gawas here in respondent No.6 to deliver 5 lac rupees to Mr. Ajit Sawant respondent No.4 for not enter his name in the F.I.R.

e. That this Hon'ble Court may be set up or investigate as to the movable and immovable properties of Mr. Ajit Sawantrespondent No.4 who received 5 lac rupees from Mr. Dayanand Gawas.

2. The petitioner contended that he has been wrongly implicated in the offence punishable under the provisions of Prevention of Corruption Act. The petitioner, however, has been discharged by the order dated 1.10.2015. It is the grievance of the petitioner that he is the office bearer of Co-operative Housing Society and therefore, not a public servant within the meaning of provisions under Indian Penal Code and Prevention of Corruption, and therefore, he should not have been implicated in the offence punishable under the provisions of Prevention of Corruption Act.

3. Learned counsel for petitioner also submits that though the

petitioner has already been discharged, Anti Corruption Bureau has filed Revision Application before High Court and the same is pending.

4. Thus, we find that the order of the Special Court by which petitioner has been discharged, has not attained finality. The petition is premature and therefore, we are not inclined to interfere in this petition and the same is accordingly dismissed. I

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE,J.]