

**PUBLIC INTEREST LITIGATION NO. 38 OF 2016
WITH
CRIMINAL APPLICATION NO. 32 OF 2016**

Rafique Vakil Shaikh	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Shishir Hirey-Special P. P. with Ms. P. P. Shinde-APP for State.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE :- FEBRUARY 14, 2018

P.C. :-

1. In terms of the earlier order, an affidavit is filed and equally the statement of the petitioner is recorded by the concerned investigating officer. Since it is stated that an additional charge-sheet was also filed in the court of Sessions at Thane, we leave it completely to the wisdom of the learned Trial Judge and if at all on perusal of the relevant papers, documents before him, the learned Judge feels that additional persons should be arrayed as accused, that power is conferred in him by law. Once the court possesses the power and to go beyond the charge-sheet and array

and summon additional persons as accused, then, we do not think that we should keep this public interest litigation pending.

2. The public interest litigation is disposed of with liberty reserved to all concerned, including the petitioner herein. In the event the statement of the petitioner, recorded in pursuance of our order and direction, though noticed by the prosecution as also the trial court and the persons named therein have not been arrayed as accused, on account of which, the investigations are found to be defective and faulty, then, it is open for the trial court to take suitable action permissible in law. If there is miscarriage of justice, the petitioner can highlight the same at an appropriate time. Keeping all such avenues open, the public interest litigation is disposed of.

3. In the light of the disposal of the public interest litigation, the criminal application does not survive and stands disposed of as such.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)