

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION (ST) NO. 16 OF 2017

Jawahar Jabbar Sharieff	}	Petitioner
versus		
The Chief Minister of	}	
Maharashtra and Ors.	}	Respondents

Mr. Jawahar Sharieff-petitioner appearing
in person-absent.

Mr. M. M. Vashi-Senior Advocate i/b.
Mr. Ram Singh for respondent no. 15.

Ms. P. P. Shinde-APP for State.

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

DATE :- FEBRUARY 8, 2018

P.C. :-

1. The petitioner, who has filed this public interest litigation (PIL), is appearing in person. On more than one occasion and prior to this date, this PIL has been listed. On 19th July, 2017, this PIL petitioner addressed a letter/communication to the Registrar (Judicial) and stated that the PIL-petitioner would appear before a committee in terms of the Bombay High Court (Appellate Side) Rules. He so appeared and had given an undertaking on 23rd August, 2017. Thus, he is aware of the filing of the PIL and its listing from time to time. It was also listed on

29th January, 2018, but could not be taken up for want of time. However, when the same PIL was on board on 14th December, 2017 before another Bench presided over by Hon'ble Mr. Justice N. H. Patil, the PIL-petitioner was absent.

2. The petitioner being aware of the institution of the PIL, the dates of listing, it is his bounden duty to remain present and espouse the cause which he says is in larger public interest. If public interest is what is projected by alleged vigilant citizens, particularly the residents of Mumbai, then, it is their bounden duty to appear and assist the court. The court is not obliged to wait for them. In the absence of the petitioner and there being no assistance to resolve the issues raised, we dismiss the PIL, but we clarify that we have kept the issues raised in the PIL open, but at the instance of another public spirited citizen.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)