

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4478 OF 2017

Ms. Bhagyashree Govind Mokate Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Mandar M. Goswami for the Petitioner.

Mr. K.V. Saste, Additional P.P. for the Respondent-State.

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ
Date : 7th March, 2018

P.C.

1 The petitioner, who is the absconding accused has filed the above petition for quashing of the proceedings in Special Case No.3 of 2017 out of C.R. No. 36 of 2017. The F.I.R. has been registered on 14th February 2017 with the MIDC police station, Ahmednagar for offences punishable under Sections 304, 328 and 34 of the Indian Penal Code read with Section 65(c)(f) (d), 68(b) of the Maharashtra Prohibition Act, 1949.

2 The gravamen of the allegation against the petitioner and the other accused is that as contesting candidates for the

Zilla Parishad elections to the Ahmednagar Zilla Parishad, the petitioner and the other co-accused had hosted a party for the electorate wherein it is alleged that liquor was served causing the death of 9 persons and injuring 13 others. The authorities thereafter invoked the provisions of the Maharashtra Control of Organised Crimes Act, 1999 (MCOCA) on 13th July 2017 and an order under Section 23(1)(a) of the MCOCA granting prior approval came to be passed by the competent authority i.e. Special Inspector General of Police, C.I.D., M.S., Pune. Thereafter sanction under 23(2) of the MCOCA also came to be granted on 10th August, 2017 wherein the petitioner is shown as an absconding accused.

3 The petitioner has approached this Court on the premise that the petitioner had no role to play in the commission of the offences, which have been alleged and that the provisions of the MCOCA have also been wrongly invoked against the petitioner. It is also the case of the petitioner that

she is pursuing a course in Medicine and that her examinations are on the anvil. However, on account of the registration of the F.I.R. and the invocation of provisions of MCOCA, she is not in a position to pursue her studies.

4 Having regard to the provisions of MCOCA, which have now been invoked, it was imperative for the petitioner to make herself available to the investigating agency. However, the petitioner for the reasons best known to her has kept herself away from the investigating agency and has filed the above petition for quashing of the proceedings. In our view, such a conduct of a person who wanted in a case wherein the provisions of MCOCA have been invoked cannot be countenanced.

5 We, therefore, decline to exercise our writ jurisdiction in such a case. The writ petition is accordingly dismissed.

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)