

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 14 OF 2011

Vilas Hanumantrao Madigeri	...Petitioner
<i>Versus</i>	
The State of Maharashtra & Ors	...Respondents

Mr Aditya S Ghadge, *i/b Satyavrat Joshi, for the Petitioner.*
Mrs PP Shinde, *APP, for Respondent No. 1.*
Mr Deepak R More, *for Respondents Nos. 2 and 3.*
Mr Vijay Upadhye, *i/b SD Paigude, for Respondents Nos. 4 and 5.*

CORAM: S. C. Dharmadhikari &
G. S. Patel, JJ.
DATED: 10th October 2019

PC:-

1. After hearing both sides, the following order was passed on 25th September 2019:

“1. The writ petition seeks a direction to the respondents to register a First Information Report against respondents Nos. 3, 4 as also against respondent No. 5 and its directors for having committed offences punishable under the Indian Penal Code and the Prevention of Corruption Act 1988.

2. We have been noticing a trend of such petitions being brought before this Court *inter alia* seeking such a relief. The petitioner approaches this Court in the public interest and

claims that the Municipal Corporation has suffered losses on account of the alleged acts of omission and commission of the public servants on account of the contracts executed or work orders issued in which there is total lack of transparency, allegedly gross illegalities have been committed and, therefore, these cannot be just considered as civil wrongs. The acts of omission and commission would amount to punishable offences.

3. In such circumstances, we would expect the petitioner, Vilas Hanumantrao Madigeri to attend the jurisdictional police station to have his statement recorded. Let the 1st respondent – State and the concerned police machinery record the statement of the petitioner, provided the petitioner attends the jurisdictional police station stated to be Bhosari Police Station, Pune District under the Pimpri Chinchwad Police Commissionerate on 1st October 2019 at 10.30 a.m.

4. Let the learned APP inform the concerned police station that the statement of the petitioner be recorded and in compliance file its report.

5. We post this petition on 9th October 2019. To be listed under the same caption.”

2. The petitioner was present so also his Advocate Mr Satyavrat Joshi.

3. Once the petitioner is not evincing any interest in having his statement recorded, then there is every reason to suspect that this is not a litigation brought to espouse a larger public interest. The

petitioner could have very well cooperated with the police machinery if there was indeed a cognizable offence committed in the award of contracts.

4. Having found that the petitioner is no longer interested in cooperating with either the police machinery or this Court, this Criminal Public Interest Litigation is disposed of.

(S. C. Dharmadhikari, J)

(G. S. Patel, J)