

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION (ST) NO. 17 OF 2018

Ketan Tirodkar

...Petitioner

Versus

Principal Secretary, Ministry for Women
and Child Development, Mantralaya,
Mumbai-32

...Respondents

Mr. Ketan Tirodkar, Petitioner in-person present.

Mr. Deepak thakare, PP, a/w Mrs. P. P. Shinde, for the
State.

CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ

DATED: 15th January, 2019

PC:-

1. The Petitioner-in-person, in the present petition has prayed for a direction to the Additional Chief Secretary, Home Department to register FIR into the offence of criminal negligence on the part of Respondent nos.1 and 2 leading to the malnutrition of 73 lakh children and three lakh pregnant women in the State.

2. Perusal of the record would further reveal that Affidavit has been filed by one Gokul Vitthal Deore, working as Deputy Commissioner, Integrated Child Development Scheme, thereby giving details regarding the scheme which focused on

the health of the mother and children. It has been stated in the reply that the services are provided by the Anganwadi workers and the Anganwadi helpers. The said Affidavit is filed on 1st August, 2018. The averments made therein, however, have not been met by the Petitioner. Apart from that the criminal offence requires *mens rea*. Only natural persons can have *mens rea* and not an official of the State Government, in the official designation of which the Respondents are impleaded herein.

3. No FIR would be registered against the Principal Secretary of the Ministry for Women and Child Development Department and the Principal Secretary of the Ministry of Finance Department. Unless the Petitioner points out that the particular individual is guilty of criminal negligence, direction, as sought, in the petition cannot be granted. In that view of the matter, the petition does not have any merit. As such, it is dismissed.

[N. J. JAMADAR, J.]

[B. R. GAVAI, J.]