

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION (ST) NO.31 OF 2019

Shri Deepak Radheykant Pandey	...	Petitioner
versus		
State of Maharashtra and Ors.	...	Respondents

Mr.R.R.Tripathi for the Petitioner.

CORAM :- S. C. DHARMADHIKARI &
G.S.PATEL, JJ.

DATE :- SEPTEMBER 24, 2019

P.C. :-

1. The petitioner complains that there are large scale illegalities and irregularities in the award of contract by the Ulhasnagar Municipal Corporation and the Contractor is benefiting by using allegedly inferior quality of machines. These are not only the illegalities and irregularities, but they amount to an offence. According to the petitioner, it is cognizable.

2. We do not think that in Criminal Public Interest Litigation, we can investigate everything for the petitioner and if the police machinery is not assisting the petitioner, there is an alternate and equally efficacious remedy of approaching the nearest Criminal Court by filing an complaint and invoking its jurisdiction under Section 190 of the Code of Criminal Procedure, 1973.

Should there be a *prima facie* case of commission of cognizable offence, that Court is bound to take the requisite steps in accordance with law. We do not think that this Court can issue futile writs directing the very same police station to whom the petitioner has repeatedly approached to take note of his grievance. Even directing the municipal authorities to take note of the petitioner's grievance will not serve any purpose. The petitioner has ample opportunities to set the criminal law in motion.

3. We do not think that we should entertain this Criminal Public Interest Litigation. It is disposed of.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)