

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1609 OF 2022

HARSHAL S/O MAHADEV KAKADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. R. C. Bora holding for learned Advocate Mr. M. L. Wankhade,
Advocate for petitioner.

Mr. S. J. Salgare, APP for respondents - State.

...

CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.

DATE : DECEMBER 13, 2022.

ORDER :- [Per Smt. Vibha Kankanwadi, J.]

. The petitioner by invoking the constitutional powers of this Court under Article 226 of the Constitution of India is seeking direction to take a cognizance in respect of complaint application made by him for registering the offence and for further direction of investigation.

2. Heard learned Advocate Mr. R. C. Bora holding for learned Advocate Mr. M. L. Wankhade for the petitioner and learned APP Mr. S. J. Salgare for the respondents - State.

3. Important point to be noted is that the petitioner has stated that he is presently working as a Sectional Engineer in Zilla Parishad,

P.W.D. Department at Ahmednagar, however, he says that because of the criminal activities of the accused persons, he is under lot of stress and agony. He also states that he was even threatened by Naxalies Penta Yerma on mobile to stop exposing the accused. He submitted an application on 17.10.2022 to the respondents contending that the Central Government should provide funds under a scheme for Baudha/Nav-baudha students. A person by name Prashant Baburao Gedam was promoted in the year 2016-17 as General Manager in MPBCDC Ltd., whose office is at Nagpur. Other persons like Mukesh Barmase and Yogeshwari Kakde had established the fake technical institute under the name Gorgeous Institute of Technology. According to the petitioner this institute was formed just for the corruption. It is stated that under the influence of Prashant Gedam as General Manager, amount of Rs.2,19,84,000/- was paid for the year 2016-2017, amount of Rs.10,09,60,800/- was paid for the year 2017-2018 and amount of Rs.6,47,36,480/- was paid for the year 2018-2019. These amounts were given towards training fees for giving training to the backward class students. In spite of giving several crores of rupees as stipend to the students in reality, no such student has received the amount and, therefore, it is stated that there is huge corruption. He has given details as to how the amounts have been paid and how it is stated that nobody has received the said amount. He has also attached the information that was received from Mahatma Phule Magaswarga Vikas Mahamandal Maryadit as to how

the amount was paid to Gorgeous Institute of Technology. So also, the communication by Public Information Officer of District Vocational Education and Training Office, Ahmednagar that no such training institute has registered with them. Upon all these facts, the petitioner says that the offence be directed to be registered and the investigation be taken up.

4. At the outset, it is to be noted that the petitioner has not produced on record any such communication, nor it has been pleaded that he had gone to police station to lodge the report and the concerned police station refused to record it and then he had filed a written complaint. The procedure that has been laid down in ***Lalita Kumari Vs. Government of U.P. and others, [(2014) 2 SCC 1]*** has not been followed by the petitioner. He cannot directly come to this Court by invoking the constitutional powers of this Court. Merely because the said institute is not registered at Ahmednagar, it cannot be said that the said institute is not in existence. The head office of that institute appears to be at Nagpur. There is no such communication or contention in the petition as to what inquiry was made by the petitioner at Nagpur about the existence of such institute. The petitioner is coming before this Court with incomplete information. Under these circumstances, this cannot be taken as a fit case where the constitutional powers are required to be exercised, which are exercised in exceptional cases that too after it is pointed

out that some fundamental rights have been violated. The writ petition stands dismissed.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm