

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 575 OF 2022**

Arun Ganpat Bhovar

... Petitioner

V/s.

S. N. Khot & Anr.

... Respondents

Mr.Kartik Garg, Appointed Advocate for Petitioner.

Ms.S.D. Shinde, A.P.P. for Respondent-State.

Mr.Arun Ganpat Bhovar, Petitioner in-person is present.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 22nd December 2022.****P.C. :**

1. Heard Mr.Kartik Garg, learned Advocate appointed to represent Petitioner at length. As the Petitioner was not satisfied with the arguments of Advocate Mr.Garg, we also afforded an opportunity to the Petitioner of being heard in-person. He addressed us in Marathi vernacular for about 15 minutes. Perused record produced before us by the Petitioner.

2. It is the case of the Petitioner that, in the summer season there was scarcity of water in the village and therefore he fixed Tullu water pump to his pipeline. It is the grievance of the Petitioner that, though he was entitled to fix Tullu water pump to his water supply pipeline provided by Respondent No.7, the Respondent Nos.2, 3, 4, 5 & 7 in connivance with each

other disconnected the said water supply line and therefore have committed an offence, according to him, under the provisions of Prevention of Corruption Act and under Section 156(3) of Criminal Procedure Code.

3. Record indicates that, the sarpanch of Gram Panchayat Parabwada, Taluka Vengurla, District Sindhudurg, thereafter issued a letter/communication dated 7th October 2020 directing the Petitioner to pay Rs.80/- for re-connection of the water supply by submitting appropriate application in that behalf. It is the case of the Petitioner that, the said letter issued by the sarpanch of Respondent No.7 is also in contravention of law.

4. We repeatedly asked the Petitioner as to what offence the Respondent Nos.2, 3, 4, 5 & 7 have committed to which his answer was that, he being a layman he is oblivious about the intricacies of law. He subsequently replied that, the said persons have committed an offence under Section 124 of the Village Panchayats Act.

Perusal of Section 124 of the Village Panchayats Act reveals that, it falls under Chapter IX of the Act which deals with 'Taxation and Recovery of Claims'. A bare perusal of that section would indicate that no penal provision is prescribed for criminal prosecution against 'public servants' therein.

5. Perusal of record further indicates that, the Petitioner had also filed an application bearing Criminal Misc. Application No. 26 of 2020 before the learned Designated Judge for Prevention of Corruption Act, Sindhudurg-

Oros with a prayer for direction of investigation under Section 156 of Cr.PC. to the Officer incharge of Anti Corruption Bureau alleging certain facts against the Respondents herein. The learned Special Judge by its Order dated 20th October 2020 has rejected the said application, predominantly on the ground that, no offence of whatsoever nature has been made out by the Petitioner in that behalf.

We find that the learned Special Judge has not committed any error either in law or on facts while passing the said Order.

6. Be that as it may. Even after perusing the entire Petition minutely we are of the considered view that, no offence of whatsoever nature has been made out by the Petitioner against the aforestated Respondents for directing the Respondent No.1 to lodge criminal prosecution against them.

7. According to us, present Petition is wholly frivolous and misconceived. Petition is accordingly dismissed in *limine*.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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