

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CRIMINAL PUBLIC INTEREST LITIGATION NO.3 OF 2022
WITH APPLN/411/2023 IN CRPIL/3/2022
WITH APPLN/1408/2023 IN CRPIL/3/2022

ABLUK HIRAJI GHUGE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. N.L. Jadhav, Advocate for petitioners
Mr. D.R. Kale, PP for respondent Nos.1, 3 to 6, 8 and 9
Mr. S.S. Thombre, Advocate for respondent No.7

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

DATE : 01st NOVEMBER, 2023

ORDER :

1 We have heard the matter further. Learned PP for respondent Nos.1, 3 to 6, 8 and 9 submits that the substantial part of the investigation is over and few more accused persons have been added. One of the accused has been approached this Court in anticipatory bail, and the investigation is at a fag end. He has submitted that now the necessary documents have been collected.

2 Learned Advocate for the petitioners submits that still some more accused ought to have been added taking into consideration the fact of contractor's involvement and also the fact that the officials of the Nagar Panchayat have not been made as an accused. He further submits that still there are documents which have been collected by the petitioners which can be pointed out to the Investigating Officer which the Investigating Officer as it appears that under the political pressure was not able to collect.

3 The matter now can be disposed of with the directions in view of the fact that substantial investigation is over and the public interest that has been shown to be involved in the matter has been taken care of in the petition. Taking into consideration the substantial investigation that has been carried out, now, we grant the last liberty to the petitioners to approach the Investigating Officer and Investigating Officer if satisfied may record their statement under Section 161 of the Code of Criminal Procedure/supplementary statement and then act upon the same within the legal framework before he concludes the investigation. At this stage we also say that the legal remedies are still open at a later stage also and the parties may utilize those legal remedies before the proper Court as and when the stage arise. We also hope that the Investigating Officer would investigate the matter thoroughly, by having a re-look at the investigation that has been

done up till now and will not leave any stone untouched to bring the real culprits to the book. With all these directions-cum-suggestions the petition is disposed of. Pending applications, if any, stand disposed of.

4 The petitioners have deposited amount of Rs.50,000/- (Rupees Fifty Thousand only) to show their bona fides and, therefore, by consent, amount of Rs.20,000/- (Rupees Twenty Thousand only) be given back to the petitioners, equally. In respect of rest of Rs.30,000/-, an amount of Rs.15,000/- (Rupees Fifteen Thousand only) of the same be given to the Advocate's Association of Bombay High Court at Aurangabad and rest of Rs.15,000/- (Rupees Fifteen Thousand only) be credited to the High Court Legal Services Sub Committee, Aurangabad.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)

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