

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.74 OF 2022

Ajay Madhusudan Marathe
V/S

....Petitioner

State of Maharashtra & Anr.

....Respondents

...

Ms. Preet S. Phanse for the Petitioner.

Mr. P.P. Kakade, GP a/w Mr. B.V. Samant, AGP for Respondent No.1-State.

...

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATE : 12 JANUARY 2023.

P.C.:

1. The learned Advocate for the Petitioner submits that the Government Resolution dated 13 April 2022 is contrary to the provisions of section 321 of the Criminal Procedure Code. According to the learned Advocate once a cabinet decision was taken to withdraw the offences filed against the persons with respect to organization of bullock cart racing, then the procedure, as contemplated in the impugned Government Resolution, need not be adhered to. The decision to withdraw the cases is taken by the executive as a matter of policy decision. It is expected that the Public Prosecutor takes the decision on case to case basis and not as per the procedure laid down in the said GR.

2 The learned AGP submits that subsequently said impugned GR is amended by corrigendum dated 29 November 2022, under which the Public Prosecutor is empowered to take decision by applying his mind.

3 In light of the corrigendum dated 29 November 2022. the apprehension of the Petitioner is met with and instead of the Committee recommended for withdrawal of cases, it is now the Public Prosecutor who would apply his mind and take the decision. In fact, that was the stand of the Petitioner also.

4 In view of that the PIL is disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)