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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3506 OF 2017

Narayan Puralaji Sharma ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. S. M. Jain for the Petitioner.
Mr. V. B. Konde-Deshmukh, APP for the Respondent-State.
PSI Shri Ganesh Mohite, Mulund Police Station.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 12th JANUARY, 2023

P.C. :-

. Heard.

2. The petitioner has come out for following reliefs with prayer clauses :

“B. To issue a writ of mandamus or any other appropriate writ, order or direction in that nature directing the respondent nos. 1 to 3 to appoint any other officer or any other appropriate police station to take necessary appropriate action on the letter/complaint written by the petitioner and his relatives, to investigate into the same. And to take appropriate action against the respondent no.5 and his staff.

C. That this Hon’ble Court may be pleased to initiate proceeding under the Contempt of Courts Act 1971 against the respondent no. 5 for flouted the guidelines/directions of the apex court in the matter of Joginder Kumar Vs. State of

U.P. - (1994) 4 SCC 260 and in the matter of D.K. Basu Vs. State of West Bengal – (1997) 1 SCC 416 and in the matter of Arnesh Kumar Versus State of Bihar and Ors. (Criminal Appeal No. 1277 of 2017).

D. That the Hon’ble Court may be pleased to direct the respondent nos. 1 to 3 to register offences punishable under Sections 120B, 166, 167, 192, 211, 219, 354, 384, 385 of IPC r/w Sections 7, 11 and 13 of prevention of Corruption Act, 1988 against the Respondent No. 5 and his staff who committed the aforesaid offences qua the petitioner.

E. To direct the respondent no. 1 to 3 to conduct departmental inquiry against the respondent no. 5 and his staff for their illegal activities.

F. To direct the respondent no.4 not to take any coercive action against the petitioner without follow due process of law as per direction of apex court in the matter of Arnesh Kumar Versus State of Bihar and Ors. (Criminal Appeal No. 1277 of 2014).”

3. It appears that the petitioner was already prosecuted in the matter of purchase of stolen gold and is acquitted vide judgment and order dated 8th January, 2021.

4. The defence for the plea which he has raised here, should have been raised by the petitioner in the Sessions trial, so as to seek a finding that he was falsely prosecuted or his prosecution is without adhering to the procedure of the law or the orders of this Court delivered in PIL as claimed.

5. The petitioner is too casual in the approach of the present

petition, particularly when has not brought it to the notice of the Court about his acquittal in the matter.

6. For the aforesaid reasons, we are not inclined to show any indulgence under Article 226 of the Constitution of India. The petition stands dismissed.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]