

(1999) 01 DEL CK 0052
In the Delhi High Court
Case No : CW.2135 of 1996

Kunj Behari

APPELLANT

Vs

Smt. Suman Donde

RESPONDENT

Date of Decision : 08-01-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 1 AD 849 : (1999) 77 DLT 391 : (1999) 48 DRJ 412

Hon'ble Judges : K. Ramamoorthy, J;Devinder Gupta, J

Bench : Division Bench

Advocate : Mr. K.K. Khanna and Ms. Kiran Kakkar, for the Appellant;

Judgement

K. Ramamoorthy, J.—A few days after the order passed by learned Judge in an application in Suit No.103/96, on the 7th of October, 1996 the petitioner filed this public interest litigation. The Secretary of the petitioner Association sent a letter dated 18.4.1996 to the Hon"ble the Chief Justice of this Court stating that the Secretary of the All India Deaf & Dumb Society is misusing her position and 50 to 55 workers of the Society are also not being properly treated and an impartial inquiry by the Income Tax Department, C.B.I., Crime Branch, Delhi Police should be conducted. On the 22nd of November, 1996, the petitioner placed on record the charge-sheet dated 21.9.1992 filed by the Inspector-Section VIII, Crime Branch, Delhi Police against the following persons:

1. Praveen Kumar Jolly, S/o Shri Sita Ram, R/o 39/7, East Patel Nagar, Delhi.
2. Smt. Suman Dondey, W/o Shri vishnu Bal krishana Dondey, R/o 20, DDA Flats, SFS, Hauz Khas, New Delhi.
3. Usman Fayaz, S/o K. Usman Pasha, R/o Plot No.1 & 2, Lake Area, S. Basheer Mellor Road, Othakadai, P.O.Madurai-685107.
4. S. Basheer Ahmad S/o S.A.Kabeer, R/o 11 MYSI House, K. K. Nagar, MADURAI-20.

2. Therefore, even according to the petitioner, criminal law has been set in motion. The Court concerned would go into the charges leveled against the

accused. When that is the position, the petitioner cannot seek to invoke jurisdiction of this Court by way of public interest litigation.

3. In view of the fact that the matter is sub judice before a criminal court, we refrain ourselves from going into the averments made in the letter. Accordingly, the writ petition is dismissed.

4. There shall be no order as to costs.