

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

**CRIMINAL APPLICATION (ST) NO. 191 OF 2019
(FOR LEAVE TO FILE APPEAL)
WITH
INTERIM APPLICATION NO. 261 OF 2019**

C.B.I. Acb, Mumbai

... Applicant

Versus

Virendra Kumar Srivastava And Ors.

... Respondents

Mr. Kuldeep Patil a/w Mr. Sumitkumar Nimbalkar a/w Mr. Anay Joshi a/w Ms. Yukta Sawant a/w Mr. Bilal Ansari for Applicant.
Ms. Supriya Kak, APP for the Respondent-State.
None for the Respondents.

**CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.**

DATE : 31 AUGUST 2026

PC :

1) Learned Counsel for the Applicant states that the Respondent No. 1 has passed away. He tendered copies of the relevant documents, including the death certificate. They are taken on record and marked 'X' collectively. Therefore, this application stands abated as far as Respondent No. 1 is concerned.

2) The report shows that notice is duly served on Respondent No. 2. Appearance is filed by Advocate Mangesh Patel for Respondent No. 3. Vide Order dated 2nd July 2026, it is noted that Ms. Padmavati Vaishya had appeared for Respondent No. 2. Till today, she had not filed her Vakalatnama and reply. Therefore, we have heard the learned counsel for the Applicant.

3) This is an application for condonation of delay of 179 days in preferring an application for leave to file an appeal against acquittal. The Applicant seeks to challenge the Judgment and Order dated 31st August 2017 passed by the learned Special Judge (CBI), City Civil & Sessions Court, Greater Bombay, in Special Case No. 30 of 2007, acquitting the Respondents from the charges of offences punishable under Sections 120-B, 420, 467, 468 and 471 of the IPC. Respondent No. 1 has also been acquitted under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act.

4) It is mentioned in the Application and submitted by the learned counsel for the Applicant that the application for a

certified copy was made on 1st September 2018. The same was ready on 25th September 2018 and delivered on 28th September 2018. Thereafter, the Public Prosecutor and Senior Public Prosecutor gave their comments. Approval of S.P., HOB, HOZ and DLA was sought. They are the Senior Officers of CBI, Mumbai. The approval was granted on 4th December 2018. After that, the procedure was followed. The Assistant Legal Advisor, Ministry of Law and Justice, Department of Legal Affairs, granted approval on 22nd February 2019. The file was forwarded to CBI, ACB, Mumbai, on 15th March 2019, and finally, the application was filed. Thus, causing a delay of 179 days in filing the application.

5) The Respondents, though served, have not appeared. We find the explanation given in the application is acceptable. There is no intentional delay.

6) Hence the following Orders:-

i) The delay of 179 days in filing the application for leave to file an appeal against the Judgment and Order dated 31st August 2018

passed by the learned Special Judge (CBI), City Civil & Sessions Court, Greater Bombay, in Special Case No. 30 of 2007 is condoned.

ii) The application for leave to appeal shall be processed further.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)