

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 10 OF 2015

Chattisgarh Distilleries Ltd. ... Applicant.

Versus

The Additional Superintendent of Police
CBI & anr. ... Respondents.

WITH

CRIMINAL REVISION APPLICATION NO. 378 OF 2014

Shri Premkumar Mysore & anr. ... Applicant.

Versus

The Central Bureau of Investigation
& anr. ... Respondents.

Mr. A.P. Mundargi, Sr. Counsel a/w. Mr. Girish Kulkarni a/w. Mr. Samsher Garud and Mr. V. Kamble i/b. Jayakar and Partners, advocate for Applicants.

Mr. Sandeep K. Shinde a/w. Mr. Y.M. Nakhwa, advocate for respondent No. 1.

Mr. V.B. Konde-Deshmukh, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 26, 2015

P.C.:

1 Learned Senior Counsel appearing for the Petitioners upon instructions seeks liberty to withdraw the Petitions. Liberty as prayed for is granted. The Petitions are being withdrawn on the ground that the two witnesses are already in the witness box. In the midst of the trial, it would not be proper for this Court to record a specific finding that the company cannot be prosecuted in the present case.

2 It is made clear that although the application below Exh. 25 has been rejected by the concerned Court. All the issues raised in the application below Exh. 25 are kept open and the learned Magistrate shall consider the said contentions without being influenced by the withdrawal of this Petition.

3 The Petitions stand dismissed as withdrawn and disposed of accordingly. The learned Special Judge shall consider the evidence adduced by the prosecution, defence raised by the accused including

the Petitioner company and any statement filed by them under section 313(1) and (2) independently, as the application below Exh. 25 was rejected at an intermediary stage, when the prosecution has not adduced whole of the evidence.

(SMT. SADHANA S. JADHAV,J)