

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

CRIMINAL APPLICATION NO. 64 OF 2015

Mr. Jignesh Jaswantraai Shah & Anr. ... Applicants.

V/s.

The Senior Inspector of Police & Ors. ... Respondents.

Mr. Rizwan Merchant i/by Razwan Merchant & Associates for the Applicants.

Mr. Ajay Patil, APP for the State.

Mr. Mahesh Jethmalani & Gunjan Mangala i/by P.D. Desai for Respondent Nos. 2.

**CORAM : M.L.TAHALIYANI,J.
DATE : 09 FEBRUARY, 2015**

P.C. :

1 Admit. Heard finally.

2 Learned counsel Mr. Rizwan Merchant is heard for the Applicants, learned senior counsel Mr. Mahesh Jethmalani is heard for Respondent No.2 and learned additional public prosecutor Mr. Ajay Patil is heard for Respondent Nos. 1 and 3.

3 The applicants are aggrieved by the order passed by the learned additional Sessions Judge, Court No. 56 of Sessions Court, Mumbai on Misc. Application No. 656 of 2014 in Anticipatory Bail Application No.2098 of 2014, allowing the

Misc. application of Respondent No.2 for intervention in anticipatory bail application filed by the applicant nos. 1 and 2.

4 Learned counsel Mr. Merchant has submitted that respondent no.2 is not the complainant in FIR on the basis of which the applicants are sought to be arrested by the police. My attention was drawn to the FIR in which the first informant has clearly stated that he had retired from Shapoorji Pallonji and Company. However, at the same time, it is to be noted that after retirement, the first informant was working as a retainer with respondent no.2. Though the first informant had not specifically stated in his FIR that first information report was lodged on behalf of respondent no.2 and that he had been authorized to do so; the contents of the FIR clearly indicate that the aggrieved party in the FIR was the respondent no.2.

5 The contention of the learned counsel Mr. Rizwan Merchant for the applicants is that only a complainant himself can intervene in the application and that there is no explanation as to why the complainant/ first informant himself has not appeared as an intervener. My attention was also drawn to some resolution of the company, authorizing one Mr. Richard Sequeira to intervene. It is submitted by Mr. Merchant that the said Richard Sequeira has no authority to intervene. It cannot be ignored that the first informant-

Upendra Rawal and Mr. Richard Sequeera both were working on behalf of respondent no.2 -Shapoorji Pallonji and Company.

6 Aggrieved party is respondent no.2. The first informant and the person, who has sought permission of the Additional Sessions Judge for intervention namely Richard Sequeira, both were working on behalf of respondent no.2. In the circumstances, respondent no. 2 only has obviously a locus-standi to intervene as intervener in the anticipatory bail application filed by the applicants. It hardly makes any difference if the FIR is filed by one of the employees or the retainer and the intervention application is filed by some other employee. The facts remain that the complaint is filed on behalf of respondent no.2 and intervention application is filed on behalf of the respondent no.2.

7 I do not find any substance in the application. Criminal Application stands dismissed.

(JUDGE)

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