

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

**CRI. REVISION APPLICATION NO. 57 OF 2008
WITH
CRI. REVISION APPLICATION NO. 58 OF 2008
WITH
CRI. REVISION APPLICATION NO. 59 OF 2008**

Union of India ... Applicant.
(Org.Complainant)

V/s.

Rajkumar Chainrai Basantani & Others. ... Respondents.

**WITH
CRI. REVISION APPLICATION NO. 60 OF 2008
WITH
CRI. REVISION APPLICATION NO. 61 OF 2008**

Union of India ... Applicant.
(Org.Complainant)

V/s.

Soundcraft Industries Limited & Others. ... Respondents.

**WITH
CRI. REVISION APPLICATION NO. 62 OF 2008**

Union of India ... Applicant.
(Org.Complainant)

V/s.

Kolar Biotech Limited & Others. ... Respondents.

WITH

CRI. REVISION APPLICATION NO. 63 OF 2008

Union of India

... Applicant.
(Org.Complainant)

V/s.

Adam Comsof Limited & Others.

... Respondents.

Mr. Rajesh Desai, Advocate for the Union of India/ Applicant.
Mr. Rajesh Sahani i/by Roy's Law Firm, Advocate for
Respondent No.3 - Radhika Venkatesh in Revision No.57/2008.
Mr. V.B. Konde-Deshmukh, APP for the State.

CORAM : M.L.TAHALIYANI,J.
DATE : 13th FEBRUARY, 2015

P.C. :

1 These Criminal Revision Applications are filed by the Union of India through Assistant Director, Serious Fraud Investigation Office. All the revisions impugn the orders passed by the Magistrate, directing investigation by the police under section 156(3) of the Criminal Procedure Code. The applicant (complainant) is aggrieved by the said order inasmuch as the applicant had never prayed for police investigation. The applicant had prayed for issuance of process against the accused named in the complaint. It may be noted here that the complaint case in revision application no. 57 of 2008 was for the offences punishable under section 120B and 420 of IPC and the rest of the complaints in other revisions were for the offences punishable under section 120B and 465 of the IPC.

2 During the course of arguments, learned counsel Mr. Desai appearing on behalf of the Serious Fraud Investigation Office has submitted that the enquiry / investigation was conducted by the Inspector of the Serious Fraud Investigation Office and thereafter, the complaints have been filed.

3 If one goes through the prayer of the applicant in all the complaints it will be abundantly clear that no prayer was made for police investigation and there was nothing on record to indicate that the applicant had ever requested for orders under section 156(3) of the Criminal Procedure Code. It appears that the learned Magistrate has passed the order without applying his mind to the prayer clause of the complaints.

4 In view thereof, the orders passed by the learned Magistrate, directing the police investigation in the complaints are set aside. The learned Magistrate is directed to proceed in all the complaints in accordance with the law.

5 All the criminal revisions applications accordingly disposed of.

(JUDGE)

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