

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.583 OF 2015

Standard Chartered Bank

..Petitioner.

Versus

State of Maharashtra & Anr.

..Respondents.

Mr. Vishwanath Patil i/by Mr. Hiren Mehta, advocates for petitioner.
Mrs. U.V.Kejriwal, APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **28th AUGUST, 2015.**

P. C. :

Heard learned counsel for petitioner and Mrs. Kejriwal,
the learned APP for the State.

2 This petition is filed seeking direction to respondent no.2
to forthwith hand over and return all the documents back to the
petitioner, which were given under the memo of handing over
documents dated 24.2.2011 and 3.3.2011. Petitioner is a foreign
bank. Petitioner was required to hand over documents under the
said memo for the purpose of investigation of Economic Offences
Wing in C.R.No.37 of 2010 under Sections 408, 120B of the Indian

Penal Code, 1860. There is also no dispute that the petitioner is not an accused in the said crime.

3 The learned APP placed on record report dated 28.8.2015 of Senior Police Inspector, Economic Offences Wing, Unit 3, Bombay. The report shows that the C.R.No.37 of 2010 was investigated and 'C' Summary report is filed on 29.9.2011 before the Additional Chief Metropolitan Magistrate 19th Kila Court, Bombay. 'C' summary report is, however, pending and same is not yet granted.

4 The learned APP submits that the documents in question are in physical custody of respondent no.2. However, since 'C' summary is yet to be granted, no relief can be granted to the petitioner.

5 We find that the petitioner is not accused in the C.R.No.37 OF 2010. The said C.R. is already investigated and 'C' summary report is filed. Therefore, there is no hurdle in handing over said documents to the petitioner by keeping photo-copies of

the said documents and further directing petitioner to give Undertaking to produce the said documents as and when required. Ordered accordingly.

6 Subject to above, petition is disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]