

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

CRIMINAL APPLICATION NO. 997 OF 2015

Shri Sushant Kumar Ashwani

...Applicant

Versus

Central Bureau of Investigation &
Anr.

...Respondents.

.....

Mr. Rohit Gurnani with Mr. P.S. Hingorani for the Applicant.

Mr. Milind Sawant for Respondent No.1-C.B.I.

Mr. Rajesh More, APP for Respondent No.2- State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE :8th OCTOBER, 2015.

P. C. :

The Applicant herein, who is accused No.4 in Special Case No.33 of 2012 has invoked the powers of this Court under section 482 of Criminal Procedure Code to hold the proceedings in Special Case No.33 of 2012 pending before the learned Special Judge, Greater Mumbai, as non est and to quash the proceedings qua the Applicant.

2. It is submitted before me that sanction for prosecution of the Applicant-accused No.4 has been declined by the Bank and prosecution had made an application dated 8th October, 2012 to drop the charges under the Prevention of Corruption Act against the

Applicant-accuse No.4. Upon considering the said application the learned Special Judge has observed that the request would be considered while framing the charge. The learned counsel for C.B.I. submitted that the application for discharge is already pending before the learned Special Judge.

3. In view of the above facts, the question whether the only provision under the Prevention of Corruption Act is required to be dropped or whether the entire proceedings, including the offences under the IPC, against the present Applicant is liable to be dropped, is a question which can be decided by the trial court at the time of deciding the discharge application.

4. In the light of the above, I do not find any reason to interfere with the impugned order at this stage. All the points and contentions are kept open. Since the application is pending since 2013, the learned Special Judge, for CBI cases at Mumbai, is directed to dispose of the same within six months from the date of the receipt of this order.

5. The application stands disposed of.

(ANUJA PRABHUDESSAI, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment /order.