

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 4829 OF 2014

Rajeev Narendra Khanna .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

Dr. B. K. Subbarao a/w Prashant Pawar i/b Archana Khan, Advocate
for the petitioner

Mr. Rajesh More, APP for the respondent-State.

Mr. H.S. Venegavkar, Advocate for the respondent-CBI

CORAM:-M.L. TAHALIYANI, J.
DATED : -26/02/2015

P.C.

Heard the learned counsel for the petitioner and
Mr. Venegavkar, learned Advocate for the respondent-CBI.

2 The petitioner is aggrieved by the order passed by
the learned Special Judge refusing to discharge the petitioner of
the charges levelled against him by the respondent No. 2 –
Central Bureau of Investigation. The petitioner is one of the
accused in Special Case No. 51 of 2002 and he applied for for

discharge. His application has been rejected by the Special Judge.

3 At the outset, though it is painful, I have to mention in my Order that the learned counsel for the petitioner has taken about forty minutes of this Court and has not been able to answer three simple questions which are very much relevant to the decision of the present writ petition.

4 The petitioner is accused of the offences punishable u/ss. 120-B r/w 420,468,471 of IPC and u/s 13(2) r/w 13 (1) (d) of Prevention of Corruption Act r/w S. 109 of IPC. Certain bank officers of Canara Bank are also involved in the present case. The issue involved in the case pending before the learned Special Judge is with regard to misuse of money, misdirection of money raised on the basis of L/Cs. The petitioner is involved in three incidents. One of the incident pertained to the LC worth Rs.1,16,46,059/-. The goods were said to have been supplied to accused No. 2 by the petitioner

(accused No. 5) against the said LC. The goods supplied are mentioned as Pan Cakes, Steel cassette, Plastic Spool and Electric control strips. From the documents seized by CBI, it is seen that the goods were stated to be supplied through Lorry Receipt No. 197 by Tiwari Transport Services, Mumbai. The CBI has collected evidence that the goods were not supplied and the alleged receipts were forged. The investigation had also revealed that the amounts received by the petitioner under LC was diverted to other accounts. Some of such account holders have also been made accused in the present special case. The petitioner is involved in similar two other transactions also.

5 During the course of hearing, this Court had put certain queries to the learned counsel for the petitioner with regard to the purchase of goods, supply of goods and the place from where the goods were transported and also the place where the goods were unloaded. The learned counsel has not

been able to answer these questions and on the contrary he submitted that it was the network of accused No. 2, who was responsible for lifting, loading and unloading. This obviously cannot be accepted on oral submissions. This will have to be established during the course of trial. This Court cannot examine these issues in the writ jurisdiction.

6 I do not find any substance in the petition. Petition stands dismissed.

(JUDGE)

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