

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUIT NO.613 OF 2013

Niraj Vishwanath Kochhar ... Plaintiff
versus
Hemendra Pramjivan Bosmiya and Ors. ... Defendants

Mr. Ashwin Shete with Mr. Santosh Avhad i/by M/s. Jayakars and Partners, for Plaintiff.
Mr. Pranoy Prateek i/by M/s. Mansukhlal Hiralala and Co., for Defendant No.3.
Mr. S. Jaykumar, DCP, present.

CORAM: S.J. KATHAWALLA, J.

DATE: 5th MAY, 2016

P.C.:

1. On 24-11-2015, this Court after setting out the facts, observations and findings in the matter, has recorded in paragraph No.6 of the order as under :

“6. As already stated in one of my earlier orders, the Judiciary is one of the important pillars of democracy. If an individual is allowed to perpetrate a fraud on the Courts/Judiciary, the entire judicial system runs the risk of being eroded and ultimately destroyed, which can never be permitted and has to be dealt with an iron hand. It is noted with distress by this Court that such frauds are largely perpetrated for monetary benefits accruing to the persons committing such violations. The present case appears to be one such case. The truth therefore needs to be investigated and ascertained. Therefore, before reaching any final conclusion qua the fraud that appears to have been committed, and looking at the gravity of the above facts, the Commissioner of Police,

Greater Mumbai, is directed to appoint any Deputy Commissioner of Police to examine this case in the light of the facts set out in this Order and ascertain whether a prima facie case of commission of offence is made out. If the Officer so nominated comes to the conclusion that a case of commission of an offence is made out, the criminal law shall be forthwith set in motion by registering a First Information Report. The DCP so appointed shall be rendered assistance by the Prothonotary and Senior Master by giving him such papers of these proceedings as he may require for the purposes of his enquiry. The concerned DCP appointed for this purpose shall submit a Compliance Report to this Court in a sealed cover on 2nd May, 2016.

The Prothonotary and Senior Master shall forthwith forward a copy of this Order to the Commissioner of Police, Greater Mumbai, by hand delivery”.

2. Today, compliance Report is produced before this Court in a sealed cover. The same is taken on record. In the said Report, the Dy. Commissioner of Police, has reached a conclusion that a case for commission of the offences is made out. In view thereof, further steps as per law be taken by the Commissioner of Police, Greater Mumbai and an action report be submitted to this Court.

(S.J.KATHAWALLA,J.)