

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2165 OF 2016

Mr. Haresh Dharmani. ... Petitioner.
Versus
Bank of Baroda & ors. ... Respondents.

Mr. A.H. Ponda a/w. Mr. Mayur Khandeparkar, Mr. Harshada Kamble
a/w. Mr. Amrut Joshi, advocate for petitioner.

Mr. Jaganathan V. i/b. Mr. Raju Shinde, advocate for respondent No.
1.

Mr. V.B. Konde-Deshmukh, APP for State.

Mr. V.H. Venegaonkar, advocate for C.B.I..

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JUNE 24, 2016

P.C.:

1 Heard the learned Counsel for the Petitioner. Learned Counsel
Mr. Venegaonkar who happens to be on the panel of C.B.I., Union of
India is present in the court and is requested to appear in the matter.

Hence, he has appeared in the matter. The learned APP waives service for respondent No. 3.

2 In the present petition, the only prayer of the Petitioner is that he should be given a copy of the first information report on the basis of which Crime No. RCBSM2016E0006/CBI/BS&FC/MUMBAI dated 25/5/2016 is filed. Hence, Rule. Rule made returnable forthwith with the consent of the parties.

3 The learned Counsel for the Petitioner has drawn the attention of this Court to the application filed by the Respondent No. 2 seeking issuance of search warrant under Section 93 of the Code of Criminal Procedure, 1973 against the present Petitioner. It was due to this, the present Petitioner has learnt that he has been shown as an accused in the said case. Crime is registered by the respondent No. 2 on 25/5/2016. It is submitted across the bar that the Petitioner had filed application before the C.B.I. Special Court seeking copy of the first

information report. However, he could not be given the same for the reasons best known to the Court. The Petitioner had also filed an application seeking the copy of the first information report to the Deputy Superintendent of Police, CBI, BS & FC. The application was received by the office on 22/6/2016. However, the copy of the first information report has not been furnished upon the petitioner.

4 An accused would have inherent right to have a copy of the first information report to know the nature of accusation levelled against him, as well as to cooperate with the investigating agency to the best of his capacity. The accused would also be entitled to other rights under the criminal procedure code and hence, he is entitled to have copy of the FIR. This Court has therefore, directed the learned Counsel for the respondent No. 2 Mr. Venegaonkar to direct the officers of the CBI to furnish copy of the first information report to the Petitioner forthwith. It is submitted by the learned Counsel Mr. Venegaonkar that the officers of the C.B.I. are present in the court.

5 With these directions, the Petition is allowed and stands disposed of accordingly. Rule is made absolute in the above terms.

The parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)