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

CRIMINAL WRIT PETITION NO.3821 OF 2016

Pratim Mukerjea alias Peter Mukerjea	...Petitioner
Versus	
Central Bureau of Investigation and Anr.	...Respondents

Mr.A.H.H. Ponda, i/b Mr.A.P.Ghag, for the Petitioner.

Mr.Anil C. Singh, ASG, a/w Mr.Sandesh Patil and Ms.Indrayani Deshmukh, for the Respondent No.1-CBI.

Mr.S.R.Agarkar, A.P.P for the Respondent No.2-State

Mr.Kaushik K.Singh, Dy.SP.CBI, New Delhi.

***CORAM : REVATI MOHITE DERE, J.
DATE : 21st NOVEMBER, 2016***

P.C. :

1. Heard learned counsel for the parties.

2. By this petition, the petitioner has impugned the order dated 22nd October, 2016, passed by the learned Special Judge (CBI)/The Additional Sessions Judge, Greater Bombay (CR.51), below Exhibit – 97 in CBI Spl. Case No. 9 of 2016, only to the extent, that the learned Judge was

pleased to reject the petitioner's prayer to furnish a copy of the statement of witness no.11.

3. Learned ASG states on instructions, that the prosecution is ready to furnish the statement of witness no.11, except the highlighted portions in the said statement. He has tendered a copy of the statement of witness no.11 in a sealed envelope. The same is opened.

4. Perused the statement of witness no.11, including the highlighted portions. There is 1 line on the first page (last line) which is highlighted and 5 to 6 lines in 2 paragraphs on the third page of PW.11's statement. The said statement is again kept back in the envelope and is re-sealed.

5. In view of the said statement, made by learned ASG, on instructions, the impugned order dated 22nd October, 2016, passed by the learned Special Judge (CBI)/The Additional Sessions Judge, Greater Bombay (CR.51), below Exhibit – 97 in CBI Spl. Case No. 9 of 2016, only to the extent, that it refuses to furnish a copy of statement of witness

no.11 is quashed and set aside.

6. Registry to send the sealed envelope handed over by the learned ASG, (which was opened and re-sealed), containing the statement of witness no.11, alongwith a copy of the writ to the learned Special Judge (CBI)/The Additional Sessions Judge, Greater Bombay (CR.51), who is seized of the said case, on or before 28th November, 2016, through a special messenger.

7. It is informed that the next date in the trial Court is 29th November, 2016. The learned Special Judge to hand over a copy of the statement of witness no.11 to the petitioner and the other co-accused, after truncating the highlighted portions, (marked with a yellow marker).

8. The petition is accordingly disposed of on aforesaid terms.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.