

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

WRIT PETITION NO. 56 OF 2017

Amit Ashok Patankar	Petitioner
versus	
The Director, Central Bureau of Investigation	
and ors.	Respondents

Mr. Mobin Solkar along with Mr. Melvyn Fernandes and Mr. Jineshkumar Gandhi i/b. Vaish Associates, advocates for the petitioner.
Ms. Rebecca Gonsalvez, advocate for the CBI.
Ms. S. D. Shinde, APP for the State.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 30th MARCH 2017.

P. C. :

Since Ms. Rebecca Gonsalvez is appearing for the CBI, Mrs. Aruna Pai, learned APP is discharged.

2. Heard Mr. Solkar, learned counsel for the petitioner, Ms. Gonsalvez, learned counsel for the CBI and Ms.Shinde, learned APP for the State.

3. The petition is filed seeking direction to CBI to register the offence on the basis of the petitioner's complaint dated 2nd June, 2015, a copy of which is annexed at page 51 of the petition.

4. Ms. Gonsalvez, learned counsel, on instructions, makes a statement that the said complaint of the petitioner does not disclose

commission of cognizable offence.

5. We have also independently gone through the said complaint. The grievance of the petitioner is that the property in question was initially leased to one Aditya Birla Group and the very same property was again taken by the Bank of India by paying a deposit of Rs.11,46,480/- and a monthly rent of Rs.1,91,080/-. The petitioner has made a grievance that in order to facilitate this transaction, anti-dated gift deeds were executed and government records were tampered. The petitioner has also alleged corruption by the highest officers in order to facilitate the said transaction. It is to be noted that neither the owners nor the Aditya Birla Group has made any complaint about the lease deed executed in favour of the Bank. Regarding the gift deed also, neither the donar nor the donee and/or any interested person and/or aggrieved person has made any complaint. The fact remains that the Bank has taken the property on lease on deposit of certain amount and by paying monthly rent. The Bank is very much in possession of the said property. We are, therefore, unable to accept the petitioner's contention that the said complaint does disclose commission of cognizable offence. In the above circumstances, we do not find any substance in the writ petition and, therefore, we are not inclined to entertain the same in exercise of extraordinary jurisdiction conferred upon this Court under Article 226 of the Constitution of India. The writ petition is, accordingly, dismissed.

5. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]