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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1648 OF 2017**

Pramod V. Shastri

... Petitioner

vs.

The CBI and Ors.

... Respondents

Mr. Satyavrat Joshi for the Petitioner.

Mr. H. S. Venegavkar for Respondent – CBI.

Mr. A. D. Khamkhedkar, APP for the State.

CORAM : A. K. MENON, J.

DATE : 4th JULY, 2017

P.C.:

1. Heard. By this petition the petitioner who was the original accused no. 3 before the trial Court filed an application under Section 91 of the Criminal Procedure Code seeking issuance of a witness summons to a Superintendent of Police, CBI since according to the applicant the said officer was the person who not only recorded the information under Section 154(1) of the Criminal Procedure Code but also assigned that complaint for investigation to the investigating officer. The prayers in the application dated 29th March, 2017 viz. Exh. 660 reads as follows : –

(a) this Hon'ble Court may be pleased to permit the Accused No. 3 to summon Shri C. H. Pratap Reddy (Indian Police Service) as a defence witness in connection with the aforesad case; alongwith the file noting mentioned in paragraph no. 11 of this application.

(b) a Witness Summons summoning Shri C. H. Pratap Reddy (Indian Police Service) as a defence witness may be issued on the following address :

Additional Commissioner of Police, Bengaluru, Having office at the office of the Commissioner of Police, Bengaluru, Karnataka.

(c) any other relief as this Hon'ble Court may deem fit.

The said application was disposed of alongwith application No. 659 by a common order dated 3rd April, 2017.

2. The learned Counsel for the petitioner submitted that the petitioner is entitled to examine the aforesaid witness as defence witness since it is his contention that the said Shri C. H. Pratap Reddy was working as a Superintendent of Police at the relevant time. He submits the matter had been heard fully but on account of transfer of the learned Sessions Judge the matter will now have to be argued again. In the interregnum he has filed the above Exh.660. He therefore submits that this petition be allowed.

3. Mr. Venegavkar, learned Counsel appearing on behalf of the respondent – CBI opposed the petition and submitted that the petitioner is adopting delaying tactics and making applications which are wholly vexatious. He therefore submitted that the petition be rejected in view of the observation in the impugned order.

4. Perused the order. In paragraph 21 the learned Judge had dealt with the application Exh 660 and observed that the registration of the FIR has been proved and that there is no purpose in summoning the witness in respect of the same document. In the circumstances, I do not find this is a case which calls for interference in Writ Jurisdiction.

4. Accordingly, I pass the following order :

- (i) The Petition is rejected.
- (ii) No costs.

(A. K. MENON, J.)