

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 497 OF 2014**

Central Bureau of Investigation (CBI) ..Applicant
Vs.
Ajay B. Bose & Anr. ..Respondents.

Mr. H. S. Venegaokar for Applicant.

**CORAM : S. C. DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.
DATE : 3RD MAY, 2017**

P.C. :

1] The learned Special Judge for CBI, Greater Mumbai, passed an order on 17th September 2013. The complainant one Ajay Bose made an application before the learned Special Judge and sought necessary directions for investigation and registration of FIRs against the railway officials, who are accused nos. 1 to 7 for having committed allegedly serious offences punishable under the IPC and the Prevention of Corruption Act, 1988.

2] The offences alleged are of criminal misappropriation, criminal breach of trust, cheating, forgery and criminal misconduct.

3] We are surprised that such an order of the Special Judge dated 17th September 2013 is neither challenged by the accused nor by the complainant. It is challenged by the Investigating Agency to whom the direction is issued. We are astonished that the investigating machinery is sitting on this order and not acting upon it till date in the garb of this application and its pendency. We decline to grant any relief to the investigating machinery by clarifying that if at a later stage any of the aggrieved parties approaches this Court and raises a plea of want of jurisdiction in the learned Special Judge, then it will be open for the applicant CBI to raise all contentions as available in law. Presently we decline to exercise our inherent jurisdiction when such offences are alleged. With the above clarification, we dispose of this application.

(PRAKASH D. NAIK, J.)

(S. C. DHARMADHIKARI, J.)

Chandka