

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

CRIMINAL APPLICATION No. 627 OF 2014

Sunil Ramji Singh

...Applicant

Vs.

**The Central Bureau of Investigation
and Anr.**

...Respondents

Mr. Sunil More i/b. Jameela Khan for Applicant

Mrs. Aruna Pai for CBI

Mr. Y.Y. Dabke -APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 1, 2018

P.C.

1. The learned counsel for the Applicant would invite attention of this Court to the judgments of the Apex Court in the matters of **Nikhil Merchant Vs. Central Bureau of Investigation &Anr. decided in S.L.P. (Crl.) No. 6355 of 2005 on 20th August, 2008 and Gian Singh Vs. State of Punjab & Anr. decided in S.L.P. (Crl.) No.8989 of 2010 decided on 24th September, 2012** so as to substantiate his claim that when the complainant having received his entire consideration, the prosecution against the Applicant can be dropped. Admittedly, this plea was never raised before the Trial Court before whom the prosecution against the Applicant was pending.

2. After having heard for some time, the learned counsel for the Applicant, upon instructions, make a motion for withdrawal of the present proceeding with liberty to agitate the for claim for discharge/ compounding of the offence in view of the aforesaid position of law as reflected in the Supreme Court in cases of **Nikhil Merchant (supra.) and Gian Singh (supra).**
3. If the Applicant moves an application to that effect, it is expected from the Learned Trial Court to deal with the same expeditiously. The stay granted by this Court shall continue for a period of four weeks so as to enable the Applicant to make an application before the Learned Trial Court.
4. In the aforesaid terms, the application stands disposed of .

[NITIN W. SAMBRE, J.]