

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO. 1526 OF 2016**

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|-------------------------------------------------------------------|----------------|
| Krishnakant Balkishan Laddha                                      | ...Applicant   |
| Versus                                                            |                |
| Central Bureau of Investigation,<br>Anti-Corruption Branch & Ors. | ...Respondents |

Mr. Subhash Jha with Mr. Siddharth Jha i/b Law Global Advocates for the Applicant

Ms. Ameeta Kuttikrishnan for the Respondent No.1-CBI

Ms. Sapana Rachure I/b T. N. Tripathi & Co. for the Respondent No.2

Mr. Vinod Chate, A.P.P for the Respondent No.3-State

**CORAM : REVATI MOHITE DERE, J.**  
**WEDNESDAY, 10<sup>th</sup> JANUARY, 2018**

**P.C. :**

1            Heard learned counsel for the parties.

2            By this application, the applicant has impugned the order dated 10<sup>th</sup> October, 2016 passed by the learned Special Judge, CBI, Greater Mumbai, in CBI Special case No. 69 of 2006. Learned Counsel for the applicant submits that the learned Judge has erred in law in not directing

the CBI to produce the documents i.e. proposal sent by the original complainant to its higher authority. He submitted that in the said document, Dr. Anant Joshi, Senior Manager of Central Bank of India, Delisle Branch, Mumbai, had sent a proposal to his higher authorities seeking sanction to settle all the disputes between the applicant and the bank and for withdrawal of the prosecution. He submitted that in the said letter/proposal of Dr. Anant Joshi, there is a reference that no offence is committed by the applicant and that the applicant was not at fault in any manner whatsoever. He submitted that the prosecution has deliberately suppressed the said document, wherein, Dr. Anant Joshi has stated that no offence is disclosed *qua* the applicant. Learned counsel relied on two judgments of the Apex court in the case of ***Jamuna Chaudhary & Ors. vs. State of Bihar***<sup>1</sup> and ***Nitya Dharmananda @ K. Lenin & Anr. vs. Sri Gopal Sheelum Reddy also known as Nithya Bhaktananda & Anr.***<sup>2</sup>, in support of his submission.

3            Learned counsel for the CBI submitted that no interference is warranted in the impugned order in writ jurisdiction. She submitted on

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1 (1974) 3 SCC 774

2 2017 SCC 1430

instructions that no such document i.e. the document sought for in the application by the applicant, was collected by the CBI during investigation.

4            Learned counsel for the respondent-Bank also opposes the application and submits that no interference is warranted in the impugned order.

5            Perused the papers. The applicant is facing prosecution for the alleged offences punishable under Sections 120-B, 420, 467, 468, 471, 477-A of the Indian Penal Code and Section 13(2) r/w Section 131(1)(d) of the Prevention of Corruption Act.

6            After investigation, charge-sheet was filed in 2006 by the respondent-CBI as against the applicant for the aforesaid offences and the matter is pending before the learned Special Judge, Greater Mumbai.

7            On 6<sup>th</sup> April, 2016, the applicant preferred an application and sought direction to the complainant to produce certain documents i.e. the proposal sent by the original complainant to his higher authorities. The

said application was resisted by the respondent-CBI by filing their reply. The respondent-CBI denied the allegations that the original complainant had produced the said proposal and that due to vested interest and with malafide intention, they have suppressed the same. According to the respondent-CBI, they have no knowledge of any such proposal and hence, the same is not a part of the charge-sheet.

8           The learned Special Judge vide order dated 10<sup>th</sup> October, 2016 was pleased to reject the said application, Hence, this application.

9           At the outset, it would be necessary to state that there can be no dispute about the proposition mentioned in the said judgments relied upon by the learned counsel for the applicant. However, the said judgments will not apply to the facts of the present case.

10          It may be noted, that it is not the case of the respondent-CBI that the said documents were in their possession and that the same were seized during investigation. Hence, the respondent-CBI cannot be compelled to either procure or to produce the same. It is always open for

the applicant to examine Dr. Anant Joshi, as a defence witness. The impugned order cannot be said to be either perverse or illegal, warranting interference in writ jurisdiction. Hence, the application is rejected and is accordingly disposed of.

**REVATI MOHITE DERE, J.**