

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 837 OF 2018

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Unique Integrated Transport And Management Consultancies Pvt. Ltd.	Petitioner
V/S	
Oriental Bank Of Commerce And Anr.	Respondents

Mr Kishan Khanna for the Petitioner.

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CORAM : A.A. SAYED &
A.S..GADKARI, JJ.
DATED : 6 FEBRUARY 2019

P.C.:

By the present Petition under Article 226 of the Constitution of India, the Petitioner has impugned Order dated 31-03-2017 passed by DRAT in Misc.Appeal No.94 of 2007 dismissing the said Appeal and confirming the Order dated 28-02-2007 passed by the Presiding Officer, DRT-I, Mumbai in Misc.Application No.44 of 2006 in OA No.962 of 2000 filed under Section 340 of Criminal Procedure Code (Cr.P.C.) for conducting an inquiry against the officers of the Rspondent-Bank and lodging crime under Section 193, 196, 199, 200, 209, 463 and 417 of Indian Penal Code.

2. We have heard the learned Counsel for the Petitioner and perused the record.

3. It is the contention of the Petitioner that the Applicant-Bank in Original Application No.962 of 2000 produced certain documents on record, which were not genuine and were forged and fabricated documents. The

trial Court i.e. DRT-I while disposing of the said OA No.962 of 2000 has not given much credence to the said documents and has also not recorded any positive finding about the genuineness or otherwise of the said documents. The Petitioner then filed the aforesaid Misc.Application No.44 of 2006 for conducting an inquiry under Section 340 of Cr.P.C.

4. As noted earlier, the Presiding Officer, DRT-I, Mumbai, by its order dated 28-02-2007 was pleased to dismiss the said Misc.Application. The DRT noted the contention of the Respondent Bank that the Petitioner had filed criminal complaint which was dismissed. The Misc.Appeal No.94 of 2007 preferred by the Petitioner has been turned down by the Appellate Tribunal. The documents in question have not been proved to be bogus or fabricated. There are concurrent findings recorded by both the DRT and the DRAT. We find no overwhelming reason to interfere with the concurrent findings recorded by the DRT and DRAT. In view of the above, we are not inclined to exercise the extraordinary writ jurisdiction of this Court to interfere with the impugned orders.

5. The Petition is, accordingly, rejected.

(A.S.GADKARI,J.)

(A.A.SAYED, J.)