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

INTERIM APPLICATION NO.452 OF 2021

Central Bureau of Investigation	]	
(Through Adv. Mr.Hiten S. Venegavkar	]	
standing Counsel for CBI)	]	... Applicant
V/s.		
Shri. Kishanlal Chandulal Meena	]	
Age 42 yrs. Occ.Public Servant	]	
R/o.House No.1005, South Lalaguda,	]	
Railway Officers' Colony, Mettuguda,	]	
Secunderabad – 500 017	]	... Respondent

**IN
CRIMINAL APPLICATION (APPLN) NO.137 OF 2020**

Shri. Kishanlal C. Meena	]	
Age 42 years. Adult Indian Inhabitant	]	
Presently residing at House No. 1005,	]	
South Lalaguda, Railway Officers' Colony,	]	
Mettuguda, Secunderabad – 500 017	]	... Applicant
V/s.		
1. Central Bureau of Investigation	]	
Being represented by its Anti-Corruption Unit	]	
Having Office at 8 th Floor, Plot No. C-35,	]	
G Block, Bandra-Kurla Complex, Bandra (E)	]	
Mumbai – 400 051	]	
2. The State of Maharashtra	]	
Through the Office of the Public Prosecutor	]	... Respondents

Mr. H.S. Venegavkar for Applicant-CBI in IA/452/2021 and for Respondent No.1 in APPLN/137/2020.

Mr. Omkar Ghag i/b. Mr. Girish Kulkarni for Applicant in APPLN/137/2020.

Smt. Rutuja Ambekar – APP for State.

CORAM : A. S. GADKARI, J.
DATE : 10th FEBRUARY 2021.

P.C. :

1. This is an Application for expungement of remarks / observations made by learned Additional Sessions Judge, Greater Mumbai against the Special P.P. appearing in the present Criminal Application, in its Order dated 15th December, 2020 in Special Case CBI/0100097/2015.
2. The record indicates that, the said observations made by the trial Court in its order dated 15th December 2020 were brought to the notice of this Court on 13th January 2021 by the learned Counsel for the respective parties and this Court in para No.2 of the said order, has observed that, the said disparaging observations have been made by the Trial Court against the Special Public Prosecutor appearing before this Court, are out of context and unwarranted.
3. The expectation of the Trial Court that, the learned Special Public Prosecutor appearing before this Court, ought to have consulted the Special Public Prosecutor appearing therein, before making any statement before this Court is unconscionable. The Special Public Prosecutor appearing before this Court, has every right to make submissions as per his own wisdom and view which he feels proper in assisting this Court and in accordance with the provisions of law. He is not obliged to take instructions on each and every count from his counter part appearing in the Trial Court. It was equally the duty of the Special Public Prosecutor

appearing before the Trial Court to assist the learned Additional Sessions Judge in recording correct legal position in its order dated 15th December, 2020, which according to this Court, the learned Special Public Prosecutor appearing before the Trial Court, has erred to do.

4. In view of the above and for the reasons stated in application, the remarks as more particularly mentioned in para 8(a)(i)(ii) herein are expunged from the Order dated 15th December 2020 passed by the learned Additional Sessions Judge and deleted from the record.

5. Application is allowed in terms of prayer Clause 8(a).

(A. S. GADKARI, J.)

Omkar S.
Kumbhakarn

Digitally signed
by Omkar S.
Kumbhakarn
Date:
2021.02.22
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