

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2450 OF 2022**

Amit Pawankumar Gupta

....Petitioner

Versus

Union of India and ors.

....Respondents

Mr. Abad Ponda, Senior Advocate along with Mr. Jugal Kanani, Advocate for the Petitioner.

Mr. D. P. Singh, Advocate for Respondent No.1-UOI.

Mr. A. R. Kapdnis, APP for respondent No.2 – State.

Mr. H. S. Venegaonkar, Advocate for Respondent No.3-CBI.

Mr. Ashish Chavan along with Mr. Zishan Quazi, Advocate for Respondent No.6.

Mr. M. Singe, DCP Zone-9, Mr. Avinash Nadvinkeri, Khar Police Station-IO, Mr. Manjunath Singe, DCP Zone-9 and Mr. Mohan Mane, Senior P.I. Khar Police Station present.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 8th SEPTEMBER, 2022.

P.C. :

1. By way of present petition, the petitioner has prayed to this Court to withdraw the investigation of the report lodged by him at Khar Police Station bearing Crime 957 of 2022 for the offences punishable under Sections 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860 and entrust the same to respondent No.3 with a direction to carry out thorough investigation of the said case.

2. It is submitted before this Court that the scope and canvas of the crime is larger one and ramifications are not limited only to the State of Maharashtra but ramification is international ramification. It is submitted before this Court that in order to unearth various links and book the offenders, an extensive investigation exercise is required. Considering all these aspects, prayer clause (b) is pressed in service, wherein, a prayer is made for withdrawing the investigation of FIR No.957 of 2022 from the local police authority and entrust the same to respondent No.3 i.e. Central Bureau of Investigation.

3. On 30th August, 2022, when the matter was listed before this Court, learned counsel appearing for respondent No.3 had invited our attention to the letter dated 18th August, 2022 from the Superintendent of Police, CBI, ACP, Mumbai. A copy of the said letter was tendered for the perusal of this Court and the same was taken on record. Learned APP sought adjournment in order to seek instructions and the matter was adjourned today.

4. A copy of the letter dated 8th September, 2022, addressed to the Office of the Public Prosecutor is tendered in the Court for our perusal. The same is taken on record and marked "X" for identification. The communication concludes with the submission that as the

investigation may relate to various departments of the Central Government and there is a larger scope of investigation and possibly investigating agency may undertake the exercise not only within the country but beyond the country also and as respondent No.3-Central Bureau of Investigation is ready to undertake the investigation exercise, the local police authorities are having no objection for handing over the investigation to the Central Bureau of Investigation. Considering these aspects, and as now, there is no rider from the State Government, the petition is allowed in terms of prayer clause (b) and is disposed of as such.

5. Needless to state that the local investigating agency of the State Government would extend all possible cooperation to respondent No.3-Central Bureau of Investigation in the investigation.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)