

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4030 OF 2014

Vinod Kumar Shrivastava ...Petitioner
Versus
State through The Superintendent
of Police ACB, CBI and anr. ...Respondents

WITH
INTERIM APPLICATION NO. 246 OF 2020

The State of Maharashtra ...Petitioner
Versus
Vinod Kumar Shrivastava and anr. ...Respondents

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Mr. Ramesh Ramamurthy a/w Mr. Saikumar Ramamurthy for the
Petitioner.
Mr. H.S. Venegaonkar a/s Mr. Shantanu Thorat for CBI- Respondent
No. 1 and for the Applicant in IA/246/2020
Mr. A.R. Kapadnis, APP for the State.

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CORAM : PRASANNA B. VARALE &
N.R. BORKAR, JJ.

DATED : 06 OCTOBER 2022

P.C. :-

A closure report was submitted at the instance of CBI, ACB,
Mumbai. The learned Special Judge, CBI, Greater Mumbai by the

order dated 16.07.2014 refused to accept the closure report and the Investigating Officer was directed to make further investigation. Vide order dated 5 November 2014, notice was issued. By way of interim order, the respondent- CBI was directed not to file charge sheet without prior permission of the Court.

2. In the Interim Application No. 246 of 2020 submitted at the instance of applicant Superintendent of Police, CBI, ACB, Mumbai- Complainant, it is stated in para 11 that in compliance to the order dated 16.07.2014 of the trial Court, the CBI conducted further investigation and sought sanction to prosecute the petitioner- Shri Vinod Kumar Shrivastava from the competent authority of Central Railway under Section 19(i)(c) of the Prevention of Corruption Act, 1988 for commission of offences under Section 7 and Section 13(2) read with 13(1) (d) of PC Act, 1988. Then it is stated that the competent authority has accorded sanction and ultimately it is prayed in the application to permit CBI to file the charge sheet in the Court of Special Judge (CBI) Mumbai.

3. Mr. Venegaonkar, on instruction submits that the charge sheet is ready and if the permission is granted, the same would be filed before the competent Court. In view of this subsequent development, we permit the Respondent No. 1- Complainant CBI to file the charge sheet before the competent Court.

4. The learned counsel for the petitioner prays for withdrawal of the petition with liberty to take recourse to appropriate legal remedies after filing of the charge sheet.

5. The petition is allowed to be withdrawn with liberty as prayed for.

6. The Petition is disposed of accordingly.

7. In view of the disposal of the petition no order is required to be passed in the pending Interim Application and the same is disposed of.

(N.R. BORKAR, J.)

(PRASANNA B. VARALE, J.)