

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2498 OF 2019

Sh.Rajesh Kirorilal Shah. ... Petitioner.
V/s.
Central Bureau of Investigation and another. ... Respondents.

I.S.Thakur with Sushmita Sherigar for the Petitioner.
Y.M.Nakhwa, APP for the Respondent- State.
H.S.Venegaonkar with Harsh Dedhia for Respondent No.1 - CBI.

CORAM : **NITIN JAMDAR AND
N.R. BORKAR, JJ.**

DATE : **2 AUGUST 2022.**

P.C. :

By this petition, the Petitioner is seeking to quash the chargesheet in R.C.No.BA1/2007/A0017 registered by Central Bureau of Investigation, ACB, Mumbai pending in the Court of learned Special Judge (CBI), Greater Mumbai in CBI Special Case No.82/2010.

2. The main contention advanced by the learned counsel for the Petitioner is that the Petitioner who is a private person was arrayed as accused with two public servants and that as regards the public servants the case has come to an end by way of discharge of them, therefore, the proceedings cannot be considered against the

Petitioner. The learned counsel for the Petitioner also states that the Petitioner had applied for discharge, however, his application was rejected.

3. The Petitioner's application for discharge was rejected so also the applications of co-accused public servants, however, it has been pointed out to us that in the revision filed by the public servants, they were discharged. These orders were passed in the year 2018 and this petition is filed in April 2019.

4. We find no impediment for the Petitioner to file a revision in the same manner as the other accused had done. The co-accused have been discharged subsequently and the present petition has remained pending in this Court. This fact, no doubt, will be considered by the concerned Court when the Petitioner will file an application for delay of condonation along with revision. The learned counsel for the Petitioner states that the Petitioner will file revision application within a period of three weeks from today.

5. In the light of this position, the concerned Court where the matter is pending will grant a suitable adjournment.

6. Writ petition is disposed of in the above terms.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)