

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

**CRIMINAL REVISION APPLICATION NO. 463 OF 2015
WITH
INTERIM APPLICATION NO. 2394 of 2021
IN
CRIMINAL REVISION APPLICATION NO. 463 OF 2015**

Ranjana Dinkar Savekar ..Applicant
Versus
The Central Bureau of Investigation & Anr. ..Respondents

Mr. Vikram Choudhari, Sr. Advocate i/b. Neha S. Ahuja for Applicant.

Mr. H. S. Venegavkar for Respondent No.1 (CBI)

Smt. J. S. Lohokare, APP for State/Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 2nd AUGUST 2022

PC :

1. This application is filed with following prayers:

(a) Prepone the date of hearing of the main case and take up the same for final hearing and disposal.

(b) Formally extend the stay on further prosecution of the Applicant under CBI Special Case No.23 of 2013 as granted vide order dated 23/03/2018.

(c) Any other or further order as may deem just and fit may also be passed by this Hon'ble Court.

2. It is mentioned in the application that the applicant has filed Criminal Revision Application No.463 of 2015 before this Court challenging the legality and correctness of the order dated 12/01/2015 passed by learned Special Judge for CBI, Greater Bombay in Special Case No.23 of 2013 thereby refusing to discharge the applicant. The applicant is facing trial on the charges of commission of offence punishable U/s.13(2) r/w. Section 13(1) (e) of the Prevention of Corruption Act, 1988 r/w. Section 109 of I.P.C. The Revision Application is not yet admitted. Vide order dated 23/03/2018, this Court (Coram: Nitin W. Sambre, J.) has stayed the further prosecution of the applicant till the next date. This stay was extended from time to time. The order takes into account the submission of the applicant that, in fact, income which is claimed to be disproportionate and the mode and manner of crime of abetment cannot be considered against the applicant as the source of income reflected in the charge viz. income from agricultural land was already upheld by the competent Income tax officer.

3. Learned senior counsel for the applicant submitted that

the main Charges are against the husband of the applicant. The allegations, in short, against the applicant are that, she had shown inflated income instead of her real agricultural income. Apart from the merits of the matter, he submitted that, Section 109 of I.P.C. cannot be invoked because the Prevention of Corruption Act as it stood during the relevant period had specific provision U/s.12 for the abetment of offences and that Section 12 refers to only Sections 7 and 11 of that Act. He submitted that, the same issue is subjudice before the Hon'ble Supreme Court in the matter of Kusum Lata & Anr. Versus Union of India, in Writ Petition (Criminal) No. 322 of 2018.

4. Learned Special P. P. Shri. Venegavkar submitted that this issue is already decided by the Hon'ble Supreme Court in the case of **P. Nallammal and another Versus State represented by Inspector of Police, reported in (1999) 6 Supreme Court Cases 559**. As per ratio of this Judgment, application of Section 109 of IPC is not barred. Both learned counsel seek some time to address the Court on merits. Learned Special PP. seeks time to file additional compilation of documents.

5. Considering this, today I am adjourning the matter. The stay is operating since 2018. As submitted by learned senior counsel, the issue is also pending before the Hon'ble Supreme Court. The Revision Application is not yet admitted. Therefore, I am placing this application for admission on the next date with continuation of interim stay granted earlier.

6. Hence, the order:

O R D E R

- i) Place the Revision Application No.463 of 2015 on the admission board dated 27/09/2022.
- ii) The parties are at liberty to file additional compilation of documents by exchanging copies thereof.
- iii) The interim stay granted vide order dated 23/03/2018 to continue till the next date.
- iv) The Interim Application is disposed of.

(SARANG V. KOTWAL, J.)