

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

**INTERIM APPLICATION NO. 229 OF 2023
IN
CRIMINAL APPEAL NO. 50 OF 2023**

Faizal A. Wahid	..Applicant
Versus	
Central Bureau of Investigation & Anr.	..Respondents

Mr. Ayush Pasbola a/w. Siddharth Mehta for Appellant.
Mr. K. S. Patil for Respondent No.1 – C.B.I.
Smt. M. R. Tidke, APP for State/Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 20 JANUARY 2023**

PC :

1. The Applicant was the original accused No.3. He was convicted and sentenced by learned Special Judge (CBI) Greater Bombay vide his Judgment and order dated 20/12/2022 passed in CBI Special Case No.95 of 2000. The Applicant was convicted for commission of offence punishable U/s.420 r/w. 120-B of the I.P.C. and also U/s.120-B of the I.P.C. He was sentenced to suffer R.I. for six months for each of the offences and to pay a fine of Rs.2 lakhs for the offence punishable U/s.120-B of the I.P.C. and in default to suffer R.I. for one month. He was also sentenced to pay a fine of

Rs.4,50,000/- for the offence punishable U/s.420 r/w. 120-B of the I.P.C. and in default to undergo R.I. for one month. The substantive sentences were directed to run concurrently. Thus, substantive sentence was for six months; besides imposition of fine.

2. The prosecution case is that the applicant was one of the Directors of M/s. East West Travel and Trade Link Pvt. Ltd. This company was operating M/s. East West Airlines. In the year 1995, pursuant to the meeting between M/s. East West Airlines and the Indian Oil Corporation Ltd. an arrangement of payment of fuel was decided between themselves. The East West Airlines was to fax copies of Demand Drafts/Pay Order/Bankers Cheque to Indian Oil Corporation Ltd. payable at Mumbai and thereafter the fuel was to be supplied. M/s. East West Airlines sent 29 copies of such demand drafts from 21/03/1996 to 21/05/1996 for Rs.1.73 Crores. In fact, those Demand Drafts were not actually sent to I.O.C.L. and they were cancelled. Thus, there was a cheating to the tune of Rs.1.73 crores.

3. Learned counsel for the applicant submitted that the

applicant has deposited the entire fine amount of Rs.6,50,000/-. The Applicant was on bail during trial and even after his conviction he was granted bail U/s.389 of the Cr.p.c. for a limited period. He has no other criminal antecedents. He has not misused the liberty. On merits, he submitted that the prosecution witnesses No.1 and 2 who were from I.O.C.L. have deposed against him that he was also present in the meeting, but the role attributed to him is in the nature of omission from their previous statements. He submitted that the applicant is roped in only because of vicarious liability and he has not played any role.

4. Learned counsel for the C.B.I. opposed this application on merits. However, he conceded that the sentence is short.

5. I have considered these submissions. On merits, the points raised by learned counsel for the Applicant will have to be decided at the final hearing stage. The fine amount is already deposited. The applicant was on bail during trial and he has not misused that liberty. Even after his conviction he was granted bail U/s.389 of the Cr.p.c. The sentence is short. The Appeal is not

likely to be decided within that short period. Considering all these factors, the applicant can be granted bail pending final disposal of his Appeal.

6. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.50 of 2023, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)