

GRM

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

CRIMINAL WRIT PETITION NO. 429 OF 2023

Jayesh Tanna ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Aabad Ponda, Sr. Adv., Ms. Raksha Thakkar i/b Farhad Panthari, Adv. for the Petitioner.

Mr. Arfan Sait, APP for the State/Respondent.

Mr. Dilip H. Shukla, Adv. for Respondent No. 2.

Mr. Shivam J. Singh, Adv. for Respondent No. 3.

PI Sangle, EOW, Mumbai HSG-1, Unit 1.

CORAM : R. G. AVACHAT, J.

DATED : FEBRUARY 2, 2023

P.C. :

Heard.

2. The challenge in this writ petition is to the order passed by learned Additional Sessions Judge, 7th Court, Mumbai allowing Respondent Nos. 2 & 3 to intervene in an application preferred by the present petitioner for anticipatory bail. The order under challenge reads thus,

“SPP Adv. Hukare for State present. PI Maruti Sangle (Housing-1) EOW absent. Adv. Ponda along with Adv. Jagtap for applicant present and filed adjournment application. TOR and marked at Exh.5. O-Perused the application and reason mentioned in the adjournment application coupled with no objection of intervenor. The matter is adjourned as last chance for hearing. The Ld. Adv. for applicant is directed to argue the matter on next

date without fail. Adv. Karan Mehta for intervenor present. Adv. Dilip Shukla for intervenor Jagdish J. Bosamiya present and filed intervention application. TOR and marked at Exh.6. Copy served to other side. O-Prosecution to submit say. Order on Exh.6-Perused the application and plea raised therein coupled with submission of prosecution. Considering the rival submissions availed record and especially concerns and anxiety of intervenor with regard to raising objection, it would appropriate to permit the intervenor to assist the prosecution and to raise their grievance by only written notes of arguments. Accordingly Exh.6 is disposed of. Interim protection to continued till next date. Adjn. To 07/12/2022 for hearing at 2.45 p.m.”

In short, Respondent Nos. 2 & 3/intervenors have been permitted to assist the prosecution and to raise their grievance by submitting written notes of arguments.

3. Learned Advocate for petitioner would submit that the respondents/intervenors are noway concerned with the crime in question. They therefore do not have any *locus-standi* to intervene in the matter and ask for right of hearing. Learned Advocate has strong exception to the order allowing the respondents/intervenors to file written notes of arguments.

4. Learned APP supports the contentions made by learned Advocate for the petitioner.

5. Learned Advocate for the respondents/intervenors relied on the judgment in the case of **Jagjeet Singh and Others vs. Ashish Mishra @ Monu and Another** reported in **Criminal Appeal No. 632 of 2022 (arising out of Special Leave Petition (Cri.) No. 2640 of 2022)** to support the interim order.

6. Considered the submissions advanced. Perused the documents relied on.

7. Admittedly, Respondent Nos. 2 & 3/intervenors are noway concerned with the crime bearing C.R. No. 756 of 2022. It is true that at the instance of respondents/intervenors, a separate crime has been registered against the petitioner herein. There may be a similarity in both the crimes. The respondents/intervenors are pursuing the proceeding initiated pursuant to the crime registered at their instance. The respondents/intervenors by no stretch of imagination could be termed to be even remotely, the victims of crime, in relation to which the present petitioner has filed an application for anticipatory bail.

8. In view of this Court, therefore, the respondents/intervenors have no *locus-standi* to seek intervention in the said proceeding. The order impugned herein, is therefore set aside to the extent of allowing the respondents/intervenors to place on record a written notes of arguments. Order of permitting them the respondents/intervenors to assist the learned APP in the matter to stand unaltered.

9. The writ petition thus stands disposed of.

(R. G. AVACHAT, J.)