

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

CRIMINAL WRIT PETITION NO. 4352 OF 2022

Arjun Umesh Zaveri	...	Petitioner
Versus		
State of Maharashtra & Ors.	...	Respondents

Mr. Satyaram R. Gaud for the Petitioner.
Mrs. M. M. Deshmukh, APP for the Respondent-State.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 7th FEBRUARY, 2023

P.C. :-

1. The challenge in the petition is to the order dated 11th August, 2022 passed by the Additional Sessions Judge, Greater Bombay, on a complaint preferred by the petitioner under Section 156 of the Code of Criminal Procedure ('Cr. P.C.' for short). The Sessions Court, based on the pleadings in the complaint, has observed that the complaint case preferred by the petitioner is not fit to refer the same for investigation under Section 156(3) of the Cr. P.C., however, has directed the petitioner to appear for the verification in support of the complaint.

2. This Court having regard to the law laid down by the Apex Court in the matter of *Radhe Shayam & Anr. v/s. Chabi Nath & Ors.*, reported in (2015) 5 SCC 423, is of the view that the very complaint case preferred by the petitioner under the provisions of Prevention of

Corruption Act, is not maintainable. We are sensitive to the fact that the said issue is sub-judiced before the Apex Court before a larger bench. Even otherwise, the order of placing the complaint case preferred by the petitioner for recording verification is within the procedure prescribed under the provisions of the Cr.P.C.

3. That being so, no error of law could be noticed in the order impugned which warrants to interference. The Petition as such lapse of merits and stands dismissed.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]

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