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

CRIMINAL WRIT PETITION NO.5860 OF 2019

Naresh H. Makani ... Petitioner
Versus
Central Bureau of Investigation & Anr. ... Respondents

Mr. Veerdhaval Deshmukh i/b. KLS Legal for the Petitioner.
Mr. H. S. Venegavkar for the Respondent No.1.-CBI.
Smt. M. M. Deshmukh, APP for the respondent-state.

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

DATED : 6th FEBRUARY, 2023

P.C.:

1. We have heard Mr. Deshmukh, learned counsel for the petitioner for sometime. Mr. Deshmukh would urge that having regard to the involvement of the bank officials in the offence as reflected in the information received by the petitioner from the Central Vigilance Commission on 24/11/2017 it will be appropriate to direct the respondent - CBI to take over the investigation in the matter.

2. According to him, two of the partners of the firm of which petitioner was one of the Director has siphoned of funds by forging the signatures and operated the bank account fraudulently in connivance with the bank officials. The bank account of the firm

viz. the cash credit so also letter of credit facility was operated by the accused by practicing fraud. He would as such urge that the investigation as such needs to be carried out by CBI.

3. In response to the Court's query learned counsel for the petitioner informs that pursuant to the complaint lodged by the petitioner on 25/04/2015 crime being FIR No. 100/2016 was registered. According to him in the said offence already B-summary report is submitted.

4. In the aforesaid background, keeping option open to the petitioner to participate in the said B-summary proceedings or to question the order if the B-summary is accepted by questioning the order passed by the competent Court, we do not see any reason to grant the relief in the matter.

5. In the wake of aforesaid liberty to the petitioner, Mr. Deshmukh, learned counsel for the petitioner does not press the petition. The petition accordingly stands disposed of.

6. However, the petitioner is at liberty either to participate in the B-summary proceedings or in alternate question the order passed on the B-summary in independent proceedings.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)