



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

WRIT PETITION NO. 3326 OF 2021

BAJRANGLAL VARMA .. PETITIONER
VS.
UNION OF INDIA AND ORS. ..RESPONDENTS

Mr. Ashutosh Thipsay i/b Mr.Sanjay Kharat, for the petitioner.
Mr. Swapnil V. Walve, APP for the State.
SPP Mr.Amit Munde a/w Mr.Shivam Tiwari for CBI.
Mr.Arvind D. More, DSP Limosin, DLA CBI present.

CORAM : M. S. KARNIK, J.

DATE : APRIL 4, 2024

P.C. :

1. On instructions, learned SPP Shri Munde appearing for the respondent no.2 – CBI, in all fairness submitted that the investigating agency does not propose to make the petitioner as an accused. It is further stated that no coercive action will be taken against the petitioner for failure on his part to ensure the service of summons on the accused no. 22 i.e. Sunil Varma. Accused no. 22-Sunil Varma is the son of the petitioner.

2. Learned counsel for the petitioner submitted that the petitioner has co-operated with the CBI and furnished

whatever information he had about the accused no.22. Learned SPP Shri Munde denies that the petitioner has co-operated in providing the information about the whereabouts of the accused no.22 except for providing the email-id.

3. I need not go into the controversy in detail in view of the aforesaid statements made by learned SPP appearing for the CBI which sufficiently protects the interest of the petitioner. CBI may undoubtedly proceed to take steps in accordance with law to ensure the appearance of the accused no.22 for the trial. However, the responsibility to ensure that the accused no. 22 attends cannot be foisted on the petitioner, as in any case the statements of Shri Munde allays the apprehension of the petitioner.

4. In this view of the matter, learned counsel for the petitioner does not press for a decision on the correctness of the validity of the impugned order. Needless to mention that it is open for the accused no.22 to resort to appropriate remedy available in law if he is aggrieved by the issuance/ service of summons at the behest of respondent no.2-CBI. All contentions are kept open.

5. The petition is disposed of. The interim order, if any, stands vacated.

(M. S. KARNIK, J.)