

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

WRIT PETITION NO.2202 OF 2024

Sunil Bajranglal Varma

...Petitioner

Versus

Union of India and Ors.

...Respondents

...

Mr. Aabad Ponda, *Senior Advocate with Mr. Ashutosh Thipsay and Mr. Omkar Mulekar for the Petitioner.*

Mr. Amit Munde, *Spl.PP with Mr. Jai Vohra for Respondent (CBI).*

Ms Shilpa K. Gajare, *APP for Respondent-State.*

Mr. Limosin A. *for Respondent – CBI*

Mr. Arvind More, *Dy. Sp. of Police, CBI, present.*

CORAM : SANDEEP V. MARNE, J.

DATED : 20 JUNE 2024.

PC:

1. Though the present petition challenges order dated 11 June 2021 issuing process against the Petitioner by the Special Judge (C.B.I. Court), Mumbai, Mr. Ponda, the learned Senior Advocate appearing for the Petitioner after taking instructions, makes a statement that scope of the present petition is currently restricted only to the order

dated 12 July 2021 by which the learned Special Judge has issued non bailable warrant against the Petitioner.

2 The Petitioner has been arraigned as accused No.22 in CBI Special Case No.38 of 2018 alongwith CBI Special Case No.641 of 2021 pending before the learned Special Judge. It is the case of the Petitioner that he has shifted to United States of America in the year 2017 much prior to the registration of the FIR. It appears that originally name of Petitioner was not included in the FIR but the same came to be included only in the supplementary charge-sheet filed by the CBI in the year 2021. It appears that after the learned Special Judge issued process against Petitioner by order dated 11 June 2021 the same was attempted to be served at the residence of his father. A statement was made before the learned Special Judge by CBI that Petitioner has fled to USA and on that ground, the learned Judge has issued non bailable warrant against Petitioner. Mr. Ponda, would submit that Petitioner is willing to appear before the learned Special Judge on 18 July 2024.

3. In view of the statement made on behalf of Petitioner that he shall appear before the learned Special Judge on 18 July 2024, the non bailable warrant issued against him need not be executed. Accordingly, the non bailable warrant issued against Petitioner by the learned Special Judge, (CBI Court), Mumbai by order dated 12 July 2021 is cancelled.

It is however, made clear that if Petitioner fails to appear before the learned Special Judge on 18 July 2024, the order of non bailable warrant dated 12 July 2021 shall revive.

4. In view of the cancellation of the non bailable warrant, Interpol, Bureau of Immigration and Enforcement Directorate shall take necessary steps to enable the Petitioner to appear before the learned Special Judge on 18 July 2024. In case of difficulty either with Interpol, Bureau of Immigration or Enforcement Directorate, the parties are at liberty to move this Court for further orders.

5. It is clarified that all the contentions of both the parties are expressly kept open to be agitated before the learned Special Judge.

6. In view of the above directions, nothing survives to be adjudicated in the petition. The writ petition is accordingly disposed of.

7. All parties to act on an authenticated copy of this order.

[SANDEEP V. MARNE, J.]