

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3631 OF 2024

GTL Limited through its
Authorized Representative
Mr. Milind Bapat

.....Petitioner

Vs.

Central Bureau of Investigation & Anr.

.....Respondents

WITH

CRIMINAL WRIT PETITION NO. 3632 OF 2024

GTL Infrastructure Limited
through its Authorized Representative
Mr. Bhupendra Kiny

.....Petitioner

Vs.

Central Bureau of Investigation & Anr.

.....Respondents

Mr. Aabad Ponda, Sr. Advocate a/w Ms. Sajal Yadav, Mr. Prasad Lotlikar, Mr. Anukul Seth, Mr. S. K. Saxena, Mr. Aayushya Geruja, Mr. Raj Raut & Mr. Mahaveer Lohar i/b Harsh Ghangurde for the Petitioner in WP/3631/2024.
Mr. Vikram Nankani, Sr. Advocate a/w Ms. Sajal Yadav, Mr. Prasad Lotlikar, Mr. Anukul Seth, Mr. S. K. Saxena, Mr. Aayushya Geruja, Mr. Raj Raut & Mr. Mahaveer Lohar i/b Harsh Ghangurde for the Petitioner in WP/3632/2024.
Mr. V. N. Sagare, A.P.P. for the Respondent-State in WP/3631/2024.
Mr. Sukant A. Karmakar, A.P.P. for the Respondent-State in WP/3632/2024.
Mr. Kuldeep Patil a/w Mr. Nikhil G. Hire for the Respondent-C.B.I.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 23rd AUGUST 2024.**

P.C.:-

1) Advocate Mr. Kuldeep Patil waives notice on behalf of the Respondent No. 1-Central Bureau of Investigation and seeks time to take instructions.

1.1) At his request, stand over to 6th September 2024.

2) Learned counsel appearing for the Petitioners drew our attention to the letter issued by the Union Bank of India (page nos. 625 to Criminal Writ Petition No. 3632 of 2024) informing to all the lenders of Petitioners-companies that, the auditors in their reports have duly concluded their findings that, there has been no instance of any fraud/diversion of funds.

2.1) Learned counsel also have raised a question of law as to whether the provisions of Section 13 of the Prevention of Corruption Act, 1988 can be applied to the present crime when no public servant is an accused in it.

3) In view thereof, till the returnable date, though the investigation of the crime to continue, the Investigating Agency shall not file chargesheet, without prior leave of this Court.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)