

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

Criminal Application No.380 of 2025

Satyan Gopaldas Tandon

Age: 52, Occ: Business

R/o Flat No.101, Ketan Building

NS Road No.6, Opp Jalaram Hall,

JPD Scheme, Juhu,

Mumbai - 400 056

.... Applicant.

Versus

1. Central Bureau of Investigation

13 Floor, Plot No.C-35A, G Block,

Bandra Kurla Complex,

Bandra East, Near MTNL Exchange,

Mumbai-400 098, Maharashtra.

2. The State of Maharashtra

To be served upon the Addl.

Public Prosecutor,

PWD building,

High Court, Mumbai.

... Respondents.

Dr Sujay Kantawala, Advocate, a/w Mr Sajal Yadav, i/by SK Saxena for the applicant.

Mr AM Chimalkar, Special Public Prosecutor, a/w Mr Tushar Nirbhavne and Ms Aishwarya Sharma for CBI/respondent No.1.

Mr Arfan Sait, APP for respondent No.2.

Coram : R.N.Laddha, J.

Date : 8 April 2025.

P.C. :

Heard the learned Counsel for the applicant, the learned Special Public Prosecutor representing respondent No.1/ Central Burea of Investigation, and the learned Additional Public Prosecutor for respondent No.2/State.

2. The applicant, arrayed as accused No.22 in the third supplementary charge-sheet dated 25 July 2022 in connection with FIR No.RC 2192020E004 dated 7 March 2020, which culminated in Special Case No.830 of 2021, seeks quashing of the impugned order dated 26 August 2022 whereby process was issued against him. The applicant is on bail. The investigation is complete and the final supplementary charge-sheet has been filed. Charges are yet to be framed. The applicant has not preferred any application for discharge.

3. The applicant assails the impugned order as being mechanical and cryptic, asserting that the trial Court, without any justifiable basis and in a cursory manner, proceeded to issue process against him without due application of mind to the facts on record.

4. The principal ground of challenge rests on the contention that, unlike the impugned order, the trial Court, in a subsequent and reasoned order dated 13 March 2025 passed in relation to the fourth and final supplementary charge-sheet filed in the same FIR, undertook a *prima facie* analysis of the allegations before issuing process. In that order, process was issued only against certain accused while others were excluded, based on a reasoned assessment. The applicant relies on the findings of the said order dated 13 March 2025 to assert that had the trial Court exercised similar judicial scrutiny at the stage of the impugned order, no case would have been made out for issuing process against him.

5. Upon perusing the records, it appears that the impugned order dated 26 August 2022 does not provide a reasoning to substantiate the satisfaction recorded therein. Nonetheless, it is evident from the order that the learned Additional Sessions Judge had examined the supplementary charge sheet and concluded that a *prima facie* case involving offences punishable under Sections 409, 420, 468, 471 r/w 120-B of IPC was made out against the applicant.

Furthermore, this is not a scenario where the process was withheld with relation to other accused individual named in the third supplementary charge sheet. Significantly, the applicant himself acknowledges that the subsequent orders dated 13 March 2025 relied upon by the applicant, addressed the issuance of process for certain newly added accused while refusing the same for others. This subsequent order was passed following the completion of the entire investigation and the filing of the fourth and final supplementary charge-sheet. In contrast, the third supplementary charge sheet, which names the applicant as an accused, indicates that further investigation was ongoing at the time. It is plausible that, given the pending investigation, the learned Additional Sessions Judge deemed it unnecessary to elaborate on the reasoning for his satisfaction while issuing the impugned order dated 26 August 2022. Nonetheless, the impugned order is being challenged after a significant lapse of time. As such, relegating the applicant to seek discharge through other statutory remedies would not result in any prejudice. There is no reason to doubt that, if such a discharge application is filed, the learned Additional Sessions Judge will consider it

expeditiously, on its own merits, with due appreciation of the legal provisions, and will endeavor to decide the same in accordance with the law, preferably within ten weeks from the date of its filing.

6. The Criminal Application stands disposed of accordingly.

[R. N. Laddha,J.]