IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3732 OF 2026
IN
WRIT PETITION NO.755 OF 2026

The Federal Bank Limited …Applicant

IN THE MATTER OF:

Rajesh M. Kapadia …Petitioner/
Org. Accused No.2

Versus

1. The Federal Bank Limited …Respondents
2. State of Maharashtra.

Mr. Benny Joseph a/w Sahil Kotkar, Abu Usama Shaikh, Riyan Adi Jijina i/b BJ Law Offices LLP, for the Applicant.
Mr. Pankaj Sawant, Senior Advocate a/w Ali Abbas Delhiwalla, Anusya Raghavan i/b Joy Legal Consultants, for the Petitioner/Org. Accused No.2.
Ms. S. M. Yadav, APP, for the Respondent-State of Maharashtra.

CORAM: MADHAV J. JAMDAR, J.
DATED: 22 OCTOBER 2026

PC:-

1. The relief sought in the Interim Application is that by modifying the Order dated 27th March 2026 passed by a learned Single Judge [Coram: Ashwin D. Bhobe, J.] in Criminal Writ Petition No.755 of 2026, another duly authorized representative of the Applicant-Bank, namely, Mr. Pandurang C. Bhattagaonkar be permitted to tender evidence on behalf of the Applicant-Bank.

2. A learned Single Judge [Coram: Ashwin D. Bhobe, J.] passed

the Order dated 27th March 2026 in Criminal Writ Petition No.755 of 2026. The operative part of the said Order reads as under:

> "***16.*** *Be that as it may, the this petition is disposed of by consent of the Petitioner and Respondent No. 1, on the following terms:-*
>
> *(A) The impugned orders referred to in prayer clause (b) of this petition are quashed and set aside.*
>
> *(B) The Respondent No.1 is permitted to examine Mr. Lecin Cherian, the authorised representative of Respondent No. 1, in Criminal Case No. 1008/SS/2015. He shall submit his Affidavit-in-Lieu of Evidence and present the documents relied upon by Respondent No. 1, in evidence.*
>
> *(B) Mr. Lecin Cherian, the authorised representative of Respondent No. 1, is permitted to be examined as the complainant in Criminal Case No. 1088/SS/2015, with the consent of Mr Pankaj Savant, learned Senior Advocate for the Petitioner, consequently the evidence of the authorised representative, Mr Benu Mathew, who was examined as a complainant in the same case, shall stand discarded.*
>
> *(C) All contentions of the parties on merits, as well as the objections available in terms of law during the Examination-in-Chief/Cross-examination, are left open for consideration by the Magistrate.*
>
> *(D) By recording the statements of Mr. Benny Joseph and Mr. Pankaj Savant that the Petitioner and Respondent No.1 shall cooperate fully with the Magistrate in the early disposal of the case and shall not request adjournments unless unavoidable, the Magistrate is requested to endeavour to dispose of Criminal Case No. 1008/SS/2015 expeditiously and, at any rate, within a period of six months from 07 April 2026.*"

3. As Justice Ashwin D. Bhobe is not sitting at the Principal Bench, the matter is placed before this Court.

4. Mr. Pankaj Sawant, learned Senior Counsel for the Petitioner/Original Accused No.2, states that the Original Petitioner has no objection to the substitution of the name of the authorized representative who can be permitted to examine witnesses on behalf of the Complainant in Criminal Case No. 1088/SS/2015.

5. Accordingly, the Interim Application is allowed by permitting Mr. Pandurang C. Bhattagaonkar, Associate Vice President of Federal Bank Ltd., to examine as a witness on behalf of the Complainant in Criminal Case No.1088/SS/2015.

6. Mr. Joseph, learned Counsel for the Applicant, states that within a period of one week an evidence affidavit of witness-Mr. Pandurang C. Bhattagaonkar will be filed along with original documents.

7. The period of six months granted by the said Order dated 27th March 2026 is extended by a further period of six months from today.

8. It is clarified that, except the above modifications, no other modification is required in the said Order dated 27th March 2026.

9. Accordingly, the Interim Application is disposed of.

[MADHAV J. JAMDAR, J.]