

Rohit Ghuge

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

CRIMINAL REVISION APPLICATION NO. 13 OF 2026

Shyamalendu Kumar Das

... Applicant

Versus

Central Bureau Of Investigation

... Respondents

Mr. Saurish Shetye a/w Ms. Sneha Mishra a/w Mr. Devendra Agrawal i/b
Mr. Prem Kumar Pandey, Advocate for Applicant.

Mr. Kuldeep Patil a/w Mr. Anay Joshi a/w Ms. Sanika Joshi a/w Mr.
Sumitkumar Nimbalkar a/w Mr. Digvijay Kachare, Advocate for
Respondent No. 1-CBI.

Mr.Gauri Rao, APP for Respondent No.2-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd APRIL, 2026.

P.C. :

1. The challenge in this application is production of draft charge by learned APP.
2. It is contention of learned counsel for applicant that, there is no provision of filing of draft charge. The applicant had filed Protest Petition before the Special Court regarding filing of draft charge, alleging several points, but without considering it, the charge has been framed against the applicant.
3. The learned counsel further submitted that, the CFSL report was received after framing of the charge, and in the said CFSL report, it is mentioned that the voices are probable. The learned counsel further submitted that, as per the view of this Court and Hon'ble Apex Court, mere

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probability is not sufficient to prove the charge and requested to allow the application. He relied on:-

(i) P. Somaraju Vs. State of Andhra Pradesh (2025 SCC OnLine SC 2291)

(ii) Sunil Achyutrao Thete Vs. State of Maharashtra (2023 SCC OnLine Bom 2445).

4. The learned SPP submitted that the discharge application of the applicant is already rejected by the Special Court. It was challenged before this Court and it is withdrawn.

5. The learned SPP further submitted that, thereafter, applicant filed application before the Special Court to discard the evidence of intercepted messages, the said application was rejected. It was challenged before this Court and dismissed accordingly. The SPP further submitted that, though there is no provision of filing draft charge, the trial court has framed the charge on the basis of evidence produced on record. The present Application is filed only to prolong the matter, and requested to reject the application.

6. I have heard both learned counsel. Perused documents produced on record.

7. The applicant is challenging the draft charge produced on record. As per Section 228 of Cr.P.C., the Trial Court has framed charge. There is no provision of providing the draft charge to the Court. Only to assist the court, both parties or the APP provide the draft charge to the Court.

8. Considering the evidence on record, the learned Special Judge has framed charge against the applicant under Section 120-B of Indian Penal code (for short 'IPC') and under Sections 7 and 12 of Prevention of

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Corruption Act, 1988). The charge is framed on basis of record produced before the Court and not merely on draft charge.

9. In my view, the application filed by applicant is not maintainable to challenge filing of draft charges. It appears from record that the applicant had filed discharge application earlier, and the said application was rejected by the Special Court on merit. The said order was challenged before this Court, and it was withdrawn by the applicant. Thereafter, the applicant had filed an application before the Trial Court to discard the evidence which was rejected. It was challenged before this Court and dismissed accordingly. It shows that the applicant had filed different applications only to prolong the matter.

10. I have gone through the case laws cited by the learned counsel for the applicant, the facts of cited case and the present case are different, and I pass following order.

ORDER

- i) The Application is rejected.

(SHIVKUMAR DIGE, J.)