

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.850 OF 2009**

Kamath Dilip Pandurang
Versus
State of Maharashtra
Through C.B.I.

...Applicant

...Respondent

.....

None for the Applicant.

Mr.P.A.Pol, P.P. for State.

Mr.Raja Thakore with Mr.A.M.Chimalkar for CBI.

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**CORAM:- A.M.KHANWILKAR AND
U.D.SALVI, JJ.
DATED:- AUGUST 31, 2010.**

P.C.

1. This Writ Petition was filed through jail. As a result, Office had appointed Advocate Abhay Kumar Apte to espouse the cause of the Petitioner. He is not present in Court. Besides, it is noticed that the Petitioner has already been released on bail on 3rd May 2010. By the present Petition received through jail, it is prayed that the charges framed against the Petitioner under the provisions of MCOC Act be set-aside and dropped.

2. The grounds raised in the present Petition for quashing of charges

under MCOC Act are similar to the ones considered by another Division Bench of this Court in the case of co-accused No.53 Chenna Boyanna Krishna Yadav in Criminal Writ Petition No.2107 of 2009 decided on 22nd June 2010. The Court took the view that the relief claimed was in the nature of discharge from the case. The Court relying on the decision in the case of Bharat Parikh vs. C.B.I. & Anr. in Criminal Appeal No.1076 of 2008 decided on 14th July 2008, rejected the Petition. For the same reason, even this Petition will have to be rejected which is still pending for admission.

3. We are informed that after framing of charge, the trial has already been proceeded and more than 15 witnesses have since been examined. Taking overall view of the matter, therefore, the Petition is dismissed.

4. Copy of this order be forwarded to the Petitioner, who is in jail.

(U.D.SALVI, J.)

(A.M.KHANWILKAR, J.)