

ORDER BELOW EXH. 1 IN SPECIAL CASE
No.18/2011

1] The present case of the year 2011. It is pending on the file of this Court under the caption “Stayed by Hon’ble Court”. Record shows that accused No.1 R. Balsubramaniam and accused No. 9 Vivek Gupta have preferred Revision Applications before the Hon’ble Bombay High Court vide Criminal Revision Application No. 387/2013 and 400/2013 respectively. This Court on 25/10/2021 and 10/12/2021 had passed orders below Exh. 1 directing accused No.1 and accused No.9 to file updated case status of their matter before the Hon’ble Bombay High Court. But they have not complied with the orders passed by this Court. As indicated above the trial is of more than 10 years. It is pending on same stage since challenging the order of this Court dated 7/8/2013 on discharge application. The Hon’ble Bombay High Court vide its order dated 17/10/2013, as adjournment was sought by C.B.I., directed that CBI shall not proceed with the matter in trial Court till next date of hearing. Since then, the present case is crawling on same stage till date. On 16/9/2022 the accused No.1 filed the order in Revision Application No. 400/2013 and 387/2013 dated 17/08/2022, where the Hon’ble Bombay High Court passed order that interim relief granted earlier shall continue to operate till the next date i.e. 12/9/2022. Thereafter, on 16/9/2022, accused No. 1 to 3 and 5 to 10 were absent. On

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4/10/2022 accused No. 1, 2, 4 to 10 were absent. Thereafter, on about 13 dates accused No. 1 and 9 were absent and also not filed update case status. In addition to that the discharge application of accused No.2 and accused No. 4 to 8 are pending since 24/1/2017 in spite of say being filed by CBI. So also prosecution/CBI filed application Exh. 241 for resumption of trial on which say of accused persons is awaited.

As the matter is more than 10 years old and no speaking order of Hon'ble Bombay High Court as to stay of proceeding of present matter is produced on record, the discharge applications are taken for disposal. The advocate of accused No. 2 and accused No. 4 to 8 were asked to argue on said applications on previous dates. However, the advocate for accused No. 4 to 8 filed pursis Exh. 414 on 15/07/2023 that he will move precipe to get the said matter expedite before the Hon'ble Bombay High Court. But today no such application or order of proceeding initiated before the Hon'ble Bombay High Court is filed on record. Therefore, the advocate for accused is asked to argue on discharge application Exh. 186-A, 187, 188, 189, 190 and 227. Accordingly, argument of both sides heard.

Date : 27/07/2023

(A.S.Waghmare)
Special Judge (CBI-ACB cases),
Pune.

CERTIFICATE

I affirm that the contents of this P. D. F. file Order are same word for word as per original Order.

Name of the Court :- Shri. A. S. Waghmare
Special Judge, CBI, ACB,
Pune.

Name of the Steno :- Smt. S. R. Shaikh
Stenographer (Grade-I)

Date of Order :- 27/07/2023

Order signed by
presiding officer :- 01/08/2023

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