

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

CRIMINAL REVISION APPLICATION NO.365 OF 2019

Prakash Shivchand Jakhete

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH

CRIMINAL REVISION APPLICATION NO.366 OF 2019

Antim Bhagwandas Totla

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shirish Gupte, Senior Advocate i/b Mr. S. R. Mithare, for the Applicants in both the Revision Applications.

Mr. A. D. Kamkhedkar A.P.P for the Respondent – State.

PSI - R. C. Darekar, E.O.W, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd MARCH 2022

P.C. :

1. Heard learned senior counsel for the applicants in both the revision applications.

2. Learned Senior Counsel for the applicants states that taking the prosecution case as it stands, no offence as alleged is disclosed, *qua* the aforesaid applicants. He submits that infact the learned Special Judge (E.C. Act), City Civil and Sessions Court, Greater Bombay, whilst rejecting the applicants applications seeking their discharge from the said case has observed that ‘it is true that there is no documentary evidence showing that the accused were involved in the day-to-day transaction of the company.’ He submits that only in view of the statement of the witness Sani Leonva the learned Special Judge rejected the discharge applications filed by the applicants.

3. A perusal of the statement of Sani Leonva shows that the applicants would only come to the office which was taken on rent by the Company through the Director i.e. Prakash Shivchandra Yadav.

4. Learned APP on instructions and after perusing the charge-sheet states that there is no material collected by the prosecution to show that either of the applicants were the Directors of the said Company i.e. Progressive Petroleum Company.

5. Considering the aforesaid, the applicants have *prima-facie* made out a case for grant of ad-interim relief.
6. Accordingly, there shall be ad-interim relief in terms of prayer clause (d), *qua* the applicants, in both the revision applications.
7. Learned APP seeks time to file a short affidavit-in-reply. The same to be filed in the Registry before the next date and advance copy be served on the other side.
8. To be listed at the end of the Admission Board 'for final disposal' on 11th April 2022.

REVATI MOHITE DERE, J.