

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3250 OF 2026**

Prashant Kishor Mehta
Age 54 Years, Indian Inhabitant
Residing at Diamond House, Vaccha
Gandhi Road, Gamdevi
Mumbai – 400 007

...Petitioner

Versus

Rajesh Kishor Mehta,
Age about 59 years. Occp : Business,
Resident of Usha Kiran,
Carmichael Road, Mumbai – 400 026;
and at Eglantierlaan 7, Bus 3,
Antwerpen – 2020, Belgium

...(Original
Accused No. 2)

- 2 Central Bureau of Investigation
Bank Securities & Fraud Cell,
Mumbai, through the
Superintendent of Police,
Mumbai.
 3. The State of Maharashtra
(through the Office of the Public
Prosecutor, High Court of Bombay),
- ...(Original
Complainant)
- ...Respondents

Mr. Rizwan Merchant a/w Aditya Mithe, Abhay Dadhiwal, Ms. Minal Chandani, Monish Bhatia, Vidhi K., Esha Joshi, i/b Jaykar & Partners, for the Petitioner.

Mr. V. B. Konde-deshmukh, APP for the Respondent – State.

Mr. Devadatt Kamat, Senior Advocate a/w Aditya Raut, for the Respondent No. 1.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th July, 2026.

Oral Judgment:

1. Heard, Mr. Rizwan Merchant, learned Advocate for the Petitioner, Mr. Devadatt Kamat, learned Senior Advocate for the Respondent No. 1 and Mr. V. B. Konde-deshmukh, learned APP for the Respondent – State.

2. By this Petition, the Petitioner has sought the following relief in prayer clauses (a) to (e), which are reproduced verbatim:

a. issue a writ of certiorari or any other appropriate writ, order or direction in the nature thereof, under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, calling for the records and proceedings of Criminal Revision Application No. 106 of 2016 and C.C. No. 662/PW/2009, and after examining the legality, propriety and correctness thereof, quash and set aside the impugned judgment and order dated 8th August 2018 passed by the Ld. Special Judge for C.B.I., Greater Bombay in Criminal

Revision Application No. 106 of 2016 (Exhibit 'C');

b. consequently, restore the order dated 3 November 2015 (Exhibit A) passed by the Ld. Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade. Mumbai rejecting the application for discharge of Respondent No. 1, and direct that Respondent No. 1 (original accused no. 2) be put up for trial in C.C. No. 662/PW/2009 along with the co-accused for the offences punishable under Sections 120-B read with 420, 467, 468 and 471 of the Indian Penal Code and the substantive offences thereof;

c. pending the hearing and final disposal of the present petition, stay the operation, execution and implementation of the impugned judgment and order dated 8 August 2018 (Exhibit 'C');

d. Costs; and

e. pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interests of justice.

3. Mr. Devadatt Kamat, learned Senior Advocate for Respondent No. 1, raises a preliminary objection to the maintainability and entertainability of this Petition. The objections raised by Mr. Kamat are threefold: *First*, that this Petition, which seeks to challenge the Judgment and Order dated 08.08.2018 (“impugned order”) passed by the Special Judge for CBI, City Civil and Sessions Court, Greater Bombay (“Sessions Court”), in Criminal Revision Application No. 106 of 2016 (Exhibit – C), is

hopelessly barred by delay and latches; *Second*, that the Petitioner is neither a party nor a Complainant in the proceedings bearing C.C. No. 662/PW/2009 before the Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai (“Magistrate”), as such lacks locus; and *Third*, that this Petition, apart from being frivolous, is mischievous and has been filed with mala fide intent. To elucidate, Mr. Kamat submits that, owing to a personal dispute between the Petitioner and Respondent No. 1, the Petitioner has been instrumental in initiating or filing at least 150 cases against Respondent No. 1 in the preceding 3 months, the sole intent being to harass and humiliate Respondent No. 1. Mr. Kamat submits that the Petitioner does not fall within the definition of a “victim” under Section 2(y) of the Bharatiya Nagarik Suraksha Sanhita, 2023. For all the said reasons, Mr. Kamat seeks dismissal of this Petition with exemplary costs.

4. In response to the preliminary objections raised by Mr. Devadatt Kamat, learned Senior Advocate for Respondent No. 1, Mr. Rizwan Merchant, learned Advocate for the Petitioner, submits that the impugned order is perverse and therefore requires

interference by this Court. He refers to paragraph No. 5 (page No. 27 of the Petition memo) to contend that the Petitioner has explained the delay in filing this Petition. To clarify, he submits that the Petitioner approached this Court with this Petition only after acquiring knowledge of the impugned order. He further submits that no limitation is prescribed for filing a Writ Petition, therefore the Petitioner is entitled to maintain this Petition before this Court against the impugned order, which is dated 08.08.2018.

5. In respect of the objection to the locus of the Petitioner, Mr. Rizwan Merchant fairly submits that the Petitioner is neither a complainant nor a party to the proceedings bearing CC No. 662/PW/2009 before the Magistrate. However, he submits that the Petitioner, who is the brother of Respondent No. 1 and the son of Kishor Mehta (Accused No. 1), is interested in removing the stigma attached to Accused No. 1 in respect of the acts of omission and commission of an offence committed by Respondent No. 1.

6. Mr. Rizwan Merchant disputes the contentions of Mr. Devadatt Kamat regarding the Petitioner filing of 150 cases against the Respondent No. 1.

7. Perused the records with the assistance of the learned Advocates.

8. Para 1.3 of the memo of Petition reads as follows:-

“1.3) The Petitioner has no personal interest adverse to the administration of criminal justice and approaches this Hon'ble Court as a whistle-blower solely to ensure that a serious fraud upon public-sector banks is brought to trial on its merits and is not stifled at the threshold by an order which is contrary to law and perverse on facts.”

9. Indisputably, the Petitioner is neither a Complainant nor a party to the proceedings bearing CC No. 662/PW/2009 before the Magistrate, nor to the Criminal Revision Application No. 106 of 2016. From the case set out in this Petition, the Petitioner is neither a victim nor an aggrieved person. The Petitioner has not suffered any prejudice in relation to the impugned order. Further, the Petitioner has not demonstrated that his legal rights are impaired or that any harm or injury has been caused to him by any act or omission for which the Petitioner was charged. Thus, the question is whether the Petitioner has locus standi to challenge the impugned order.

10. The Hon'ble Supreme Court in the case of *Harsh Mandar v. Amit Anilchandra Shah*¹, in paragraph Nos. 36 to 46, has held as under:-

36. *The present case does not involve the issue of locus standi of a third party/stranger for setting the criminal law in motion. The issue in the present case is whether the applicant, who is a total stranger to the proceedings can invoke the powers under Section 482 CrPC to challenge the discharge order. Hence, the decision in Antulay [A.R. Antulay v. Ramdas Srinivas Nayak, (1984) 2 SCC 500 : 1984 SCC (Cri) 277] is not strictly applicable to the facts of the present case.*

37. *The observations in Sheonandan Paswan [Sheonandan Paswan v. State of Bihar, (1987) 1 SCC 288 : 1987 SCC (Cri) 82] on the question of locus standi were restricted to the interpretation and scope of Section 321 CrPC. The judgment does not lay down that a stranger to the proceeding can invoke the inherent powers of the court under Section 482 CrPC for challenging the order of discharge particularly when the order of discharge is revisable.*

38. *At this stage it would be advantageous to refer to the decision of the Apex Court in Subramanian Swamy [Subramanian Swamy v. Raju, (2013) 10 SCC 465 : (2013) 4 SCC (Cri) 785] wherein the petitioner, in a public interest litigation had sought an authoritative pronouncement of the true purport and effect of the different provisions of the Juvenile Justice Act so as to take a juvenile out of the purview of the said Act. The High Court had declined to answer the question raised on the*

¹ (2017) 13 SCC 420

ground that the petitioners had an alternative remedy under the Juvenile Justice Act against the order as may have been passed by the Board. In the SLP filed before the Apex Court, an objection was raised as regards its maintainability on the ground that it suffers from the vice of absence of locus on the part of the petitioner. While considering this objection the Apex Court has observed thus: (SCC p. 469, para 8)

“8. The administration of criminal justice in India can be divided into two broad stages at which the machinery operates. The first is the investigation of an alleged offence leading to prosecution and the second is the actual prosecution of the offender in a court of law. The jurisprudence that has evolved over the decades has assigned the primary role and responsibility at both stages to the State though we must hasten to add that in certain exceptional situations there is a recognition of a limited right in a victim or his family members to take part in the process, particularly, at the stage of the trial. The law, however, frowns upon and prohibits any abdication by the State of its role in the matter at each of the stages and, in fact, does not recognise the right of a third party/stranger to participate or even to come to the aid of the State at any of the stages.”

39. On merits the SLP was held to be maintainable as the adjudication that the petitioner was seeking had implications beyond the case/proceedings. It was held that the interpretations of the provisions of the Juvenile Justice Act would have effect on all juveniles, who may come in conflict with law—both in the immediate and near future.

40. In Simranjit Singh Mann [Simranjit Singh Mann v. Union of India, (1992) 4 SCC 653 : 1993 SCC (Cri) 22] and Karamjeet Singh [Karamjeet Singh v. Union of India, (1992) 4 SCC 666 : 1993 SCC (Cri) 17] while considering the question whether a third party who is a

total stranger to the prosecution culminating in the conviction of the accused has any locus standi to challenge the conviction and sentence awarded to them, by invoking Article 32 of the Constitution, the Apex Court has reiterated that neither the provisions of the Code of Criminal Procedure, 1973 nor any other statute permits a third party/stranger to question the correctness of conviction and sentence imposed by the court after the regular trial.

41. *In Sulochana Devi [Sulochana Devi v. District Magistrate, 1993 Ori LR 47] the petitioner who was not a party to the proceedings had invoked the powers of the High Court under Section 482 CrPC to challenge the order of issuance of proclamation under Section 82 of the Code and attachment of the property. Raising the issue of locus standi, preliminary objection was raised to the maintainability of the application at the behest of the petitioner. The Orissa High Court after considering the scope of Section 482 CrPC as well as the decisions of the Apex Court in Madhu Limaye [Madhu Limaye v. State of Maharashtra, (1977) 4 SCC 551 : 1978 SCC (Cri) 10] , Simranjit Singh [Simranjit Singh Mann v. Union of India, (1992) 4 SCC 653 : 1993 SCC (Cri) 22] and in Janata Dal v. H.S. Chowdhary [Janata Dal v. H.S. Chowdhary, (1992) 4 SCC 305 : 1993 SCC (Cri) 36 : 1993 Cri LJ 600] held that:*

“... Even if there are million questions of law to be deeply gone into and examined in a criminal case registered against specified accused persons, it is for him/them to raise all such questions and challenge the proceedings initiated at appropriate time before the proper forum and not for third parties either individually or under the garb of public interest litigation. Ordinarily, the aggrieved party, which is affected by any order has the right to seek redress by questioning the legality, validity or correctness of the order unless such party is a minor and insane person or is suffering from any other disability which law recognises as sufficient to permit another person e.g. next friend, to move the court in his behalf.”

42. *Reverting to the case in hand, it is not in dispute that the applicant is neither a victim nor an aggrieved person. He is not in any manner connected with the proceedings pending before the learned Sessions Court, Greater Bombay. The applicant has not suffered any prejudice and has not demonstrated that his legal rights are impaired or any harm/injury is caused to him or is likely to be caused. The applicant has thus not been able to demonstrate that his legal right has been invaded so as to give him locus standi to challenge the order.*

43. *The applicant who claims to be a socially responsible citizen has allegedly filed this application for preventing abuse of process of court. It is pertinent to note that though the alleged incident had occurred in the year 2005, and no case was registered against Respondent 1 and the other police officers, the applicant herein had not shown any interest to set the criminal law in motion. The said crime was registered only pursuant to the directions given by the Honourable Supreme Court in view of the letter of grievance made by Rubabbuddin, the brother of the deceased.*

44. *It is also pertinent to note that Respondent 1 was discharged by the order dated 30-12-2014. CBI had not challenged the said order. The aggrieved person, Rubabbuddin had also not filed any revision application within the period of limitation. Despite which the applicant, who claims to be a socially responsible citizen, had not taken any steps to challenge the said order. It is to be noted that one Shri Rajesh Kamble, who was also not a party to the proceedings, had opposed the withdrawal application filed by Rubabbuddin Shaikh in his capacity of being "an alert citizen". The said application was dismissed vide order dated 21-10-2015. The applicant has shown interest in this matter only after the dismissal of the application filed by Rajesh Kamble.*

45. *It is also pertinent to note that several other*

accused in the said crime have also been discharged, but the applicant has not challenged the said orders, but has sought to challenge only the order whereby the present Respondent 1 has been discharged. The social interest and responsibility proclaimed by the applicant is thus restricted only to the relief sought against Respondent 1 and does not even extend to other accused in the said case much less having larger implications beyond the case. This is a predominant distinguishing feature in the relief sought in the present case vis-à-vis a relief in Subramanian Swamy [Subramanian Swamy v. Manmohan Singh, (2012) 3 SCC 64 : (2012) 1 SCC (Cri) 1041 : (2012) 2 SCC (L&S) 666] . The above facts coupled with the fact that the applicant has shown sudden interest in the matter after a period of over 10 years gives an indication of lack of bona fides. Needless to state that the criminal law cannot be permitted to be used as an instrument to wreak vengeance due to personal or political grudge or to spite the accused for any other oblique purpose.

46. *In the instant case, the State had not challenged the order of discharge. Nonetheless the aggrieved person, Rubabbuddin Shaikh, the brother of the deceased Sohrabuddin had challenged the said order in Revision Application (St.) No. 413 of 2015 which was filed along with the application for condonation of delay being Application No. 355 of 2015. As stated earlier this Court has allowed the aggrieved person to withdraw the said application after being satisfied that the request for withdrawal was voluntary and that the same was not made under threat, pressure, inducement or promise. Hence, this is not one of those rare cases which brings about a situation which is an abuse of the process of the court which necessitates exercise of inherent jurisdiction.”*

11. Petitioner would not be entitled to maintain this Petition on

the broad plea that the Petitioner is interested in removing the stigma attached to the deceased Accused No. 1, as submitted by Mr. Rizwan Merchant. Petitioner lacks locus to maintain this Petition, as rightly submitted by Mr. Devadatt Kamat, learned Senior Advocate for Respondent No. 1.

12. Criminal proceedings bearing CC No. 662/PW/2009 before the Magistrate date back to 2009 and involved not only Respondent No.1 but also Kishor Kirtilal Mehta (now deceased), father of the Petitioner and Respondent No.1, who was Accused No.1 in CC No. 662/PW/2009. The impugned order is dated 08.08.2018.

13. Paragraph No. 5 of the Petition memo reads as follows:-

5. As regards limitation, it is respectfully submitted that there is no period of limitation prescribed for invoking the supervisory jurisdiction of this Hon'ble Court under Article 227 of the Constitution of India read with Section 482 of the Code. The Petitioner, not being a party to Criminal Revision Application No. 106 of 2016, had no notice or knowledge of the impugned order dated 08.08.2018. In the course of the proceedings before the Hon'ble High Court, the Ld. Advocate for Respondent No. 1, on 22.05.2026, submitted that Respondent. No. 1 had been discharged in the present proceedings, and the same was conveyed by the Petitioner's Advocate who was also

present before the Hon'ble High Court in regard to some other matter, to the Petitioner. On coming to learn thereof, the Petitioner conducted an online search and was able to locate the impugned order, and thereupon instructed his Advocate to apply for a certified copy of the papers and proceedings of the said Criminal Revision Application. The Petitioner received the certified copy of the papers and proceedings on 25.06.2026. The present petition has been filed promptly thereafter. Any delay in approaching this Hon'ble Court is therefore neither wilful nor deliberate, but is occasioned solely by the Petitioner's want of knowledge of the impugned order until the aforesaid date.

14. Mr. Rizwan Merchant submits that no limitation period is prescribed for filing a Petition under Article 227 of the Constitution of India or under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

15. Though no period of limitation is prescribed under the Limitation Act, 1963, for the exercise of powers under Articles 226 or 227 of the Constitution of India, there must be no inordinate delay, laches or negligence on the part of the litigant in approaching the Court.

16. Although styled as a Petition under Article 227 of the Constitution of India, read with Section 528 of the BNSS, this

Petition essentially invokes the supervisory jurisdiction of this Court by way of a writ of Certiorari, as evident from the reliefs sought. Accordingly, the Petitioner ought to have approached this Court within a reasonable period. The question before this Court is whether a delay of 7 years and 10 months in filing this Petition is reasonable?

17. The limitation period for a Criminal Revision Application under the Code of Criminal Procedure 1973 (now BNSS 2023) is 90 days, as per Article 131 of the Schedule to the Limitation Act 1963. Article 137 of the Schedule to the Limitation Act 1963 provides a limitation period of three years for any Application for which no period of limitation is specified elsewhere in the Schedule (Period of Limitation) of the Limitation Act 1963.

18. Petitioner, having approached this Court after a period of 7 years and 10 months to challenge the impugned order (dated 08.08.2018), is subject to the principles of delay and latches.

19. The Hon'ble Supreme Court, in State of *M.P. vs. Nandlal Jaiswal & ors.*,² in paragraph No. 24, has held as follows :-

² (1986) 4 SCC 566
Arjun

24. Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs with the High Court in deciding whether or not to exercise such jurisdiction. We do not think it necessary to burden this judgment with reference to various decisions of this Court where it has been emphasised time and again that where there is inordinate and unexplained delay and third party rights are created in the intervening period, the High Court would decline to interfere, even if the State action complained of is unconstitutional or illegal. We may only mention in the passing two decisions of this Court one in *Ramana Dayaram Shetty v. International Airport Authority of India* [(1979) 3 SCC 489: AIR 1979 SC 1628: (1979) 3 SCR 1014] and the other in *Ashok Kumar Mishra v. Collector* [(1980) 1 SCC 180: AIR 1980 SC 112: (1980) 1 SCR 491]. We may point out that in *R.D. Shetty* case, even though the State action was held to be unconstitutional as being violative of Article 14 of the Constitution, this Court refused to grant relief to the petitioner on the ground that the writ petition had been filed by the petitioner more than

five months after the acceptance of the tender of the fourth respondent and during that period, the fourth respondent had incurred considerable expenditure, aggregating to about Rs 1.25 lakhs, in making arrangements for putting up the restaurant and the snack bar. Of course, this rule of laches or delay is not a rigid rule which can be cast in a strait jacket formula, for there may be cases where despite delay and creation of third party rights the High Court may still in the exercise of its discretion interfere and grant relief to the petitioner. But, such cases where the demand of justice is so compelling that the High Court would be inclined to interfere in spite of delay or creation of third party rights would by their very nature be few and far between. Ultimately it would be a matter within the discretion of the court; ex hypothesi every discretion must be exercised fairly and justly so as to promote justice and not to defeat it.

20. In *Chennai Metropolitan Water Supply and Sewerage Board and Others vs. T.T. Murali Babu*³, the Hon'ble Supreme Court, in paragraph No. 16 has held as under :-

16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and

³ (2014) 4 SCC 108

laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant - a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.

21. In *Popat Bahiru Govardhane vs. Land Acquisition Officer*⁴ in paragraph No. 16, the Hon'ble Supreme Court has observed as follows :-

*16. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim dura lex sed lex which means "the law is hard but it is the law", stands attracted in such a situation. It has consistently been held that, "inconvenience is not" a decisive factor to be considered while interpreting a statute. "A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation." (See *Martin Burn Ltd. v. Corpn. of Calcutta* [AIR 1966 SC 529], AIR p. 535, para 14 and *Rohitash Kumar v. Om Prakash Sharma* [(2012) 13 SCC 792: AIR 2013 SC 30].) *Bombay Dyeing & Mfg. Co. Ltd. v. State of Bombay* 1957 SCC OnLine SC 7.*

⁴ (2013) 10 SCC 765

22. The Hon'ble Supreme Court, in *N. Balakrishnan v. M. Krishnamurthy*⁵ in paragraph No. 11, has observed as follows :-

"11. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a lifespan for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time would never revisit. During the efflux of time, newer causes would sprout up necessitating newer persons to seek legal remedy by approaching the courts. So a lifespan must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of limitation is thus founded on public policy. It is enshrined in the maxim interest reipublicae ut sit finis litium (it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time.

23. The Hon'ble Supreme Court in the case of *Londhe Prakash Bhagwan v. Dattatraya Eknath Mane*⁶ has in paragraph No. 9 held as follows :-

9. Even if we assume that no limitation is prescribed in any statute to file an application before the court in that case, can an aggrieved person come before the court at his

⁵ (1998) 7 SCC 123

⁶ (2013) 10 SCC 627

sweet will at any point of time? The answer must be in the negative. If no time-limit has been prescribed in a statute to apply before the appropriate forum, in that case, he has to come before the court within a reasonable time. This Court on a number of occasions, while dealing with the matter of similar nature held that where even no limitation has been prescribed, the petition must be filed within a reasonable time. In our considered opinion, the period of 9 years and 11 months, is nothing but an inordinate delay to pursue the remedy of a person and without submitting any cogent reason therefor. The court has no power to condone the same in such case. (See Cicily Kallarackal v. Vehicle Factory [(2012) 8 SCC 524 : (2012) 4 SCC (Civ) 540] , State of Orissa v. Mamata Mohanty [(2011) 3 SCC 436 : (2011) 2 SCC (L&S) 83] and K.R. Mudgal v. R.P. Singh [(1986) 4 SCC 531 : 1987 SCC (L&S) 6] .) In these cases, it has been held that the application should be rejected on the ground of inordinate delay. Furthermore, it is to be noted that appointment of the appellant was within the knowledge of Respondent 1 from day one but he did not take any step for such a long time.

24. The justification sought to be put forth by the Petitioner in paragraph No. 5 does not make out any cause, let alone “sufficient cause”, to condone the delay of 7 years and 10 months on the touchstone of the guidelines enunciated by the Hon'ble Supreme Court in the case of Esha Bhattacharjee vs. Raghunathpur Nafar Academy⁷

⁷ (2013) 12 SCC 649

25. In the present case, Respondent No. 2 - CBI, has not challenged the impugned order allowing the discharge of Respondent No. 1 from the proceedings in Criminal Case No. 662/PW/2009.

26. In the wake of the above, I uphold the preliminary objection raised by Mr. Devadatt Kamat, learned Senior Advocate for the Respondent No. 1 and dismiss this Petition on the ground that the Petitioner lacks locus, as well as on the ground that this Petition is barred by inordinate delay and laches.

27. In view of the above, the Petition is dismissed.

28. There shall be no orders as to costs.

(ASHWIN D. BHOBE, J.)

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