

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 48619/2026

[Arising out of impugned judgment and order dated 07-05-2026 in CRLA No. 641/2019 passed by the High Court of Judicature at Bombay]

RUBABUDDIN SHAIKH

Petitioner(s)

VERSUS

THE CENTRAL BUREAU OF INVESTIGATION & ORS.

Respondent(s)

(IA No. 283229/2026 - CONDONATION OF DELAY IN FILING, IA No. 283231/2026 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS and IA No. 285335/2026 - INTERVENTION/IMPLEADMENT)

Date : 28-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Mr. Dama Sheshadri Naidu, Sr. Adv.
Mr. Achint Kumar, AOR

For Respondent(s) :Mrs. Sangeeta Nenwani, Adv.
Ms. Revati Pravin Kharde, Adv.
Mr. Shreenivas Patil, Adv.
Mr. Rahul Prakash Pathak, Adv.
Mr. Vishwesh Shankar Gadage, Adv.

Ms. Ruchi Kohli, Sr. Adv.
Ms. Srishti Mishra, AOR

Mr. Anand Dilip Landge, AOR

Mr. K. Parameshwar, Sr. Adv.
Ms. Kanti, AOR
Mr. Sai Kaushal Nuthalapati, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned in IA No. 283229/2026 and IA No. 283231/2026.
2. Issue notice to respondent Nos. 1 to 23, returnable on 28.10.2026.

3. Ms. Kanti, learned AOR accepts notice on behalf of respondent Nos.2, 3, 4, 8, 10, 14, 18, 19, 20, 21 and 22. Ms. Srishti Mishra, learned AOR accepts notice on behalf of respondent Nos.5, 6, 7, 15, 16 and 17.

4. Respondent No.1 may be served through standing counsel also.

5. Liberty is granted to the petitioner as well as to the private respondents to place on record translated copies of the statements of the relevant witnesses, and of any other material documents on which they may seek to rely.

I.A. No. 285335/2026

6. This application for intervention has been preferred by Mr. Maniar Kalpesh Kumar, seeking, *inter alia*, the following reliefs:

a) allow the present Application and permit the Applicant to intervene in and be impleaded as a party respondent in Special Leave Petition (Criminal) Diary No. 48619 of 2026;

b) permit the Applicant to file written submissions and to be heard, in person or through counsel, at the hearing of the captioned Special Leave Petition and of any appeal arising therefrom;

c) be pleased to expunge the observations and findings recorded against the Applicant in paragraph 43 of the common final judgment and order dated 07.05.2026 passed by the Hon'ble High Court of Judicature at Bombay in Criminal Appeal No. 641 of 2019 with Criminal Appeal No. 656 of 2019, insofar as the same attribute suppression of material, oblique motive and political instigation to the Applicant;

d) be pleased to grant leave to the Applicant to assail the order dated 30.12.2014 passed by the Id. Special Judge (CBI), City Civil and Sessions Court, Greater Mumbai in Discharge Application (Exhibit 232) in Sessions Case Nos. 177 of 2013, 178 of 2013, 577 of 2013 and 312 of 2014; and

e) pass such other and further orders as this Hon'ble

Court may deem fit and proper in the facts and circumstances of the case.

7. It appears that the Applicant had preferred Interim Application No. 1172 of 2026 in Criminal Appeal No. 641 of 2019 before the High Court, seeking leave to be impleaded as a party to the said appeal and assailing the order dated 30.12.2014 passed by the learned Special Judge (CBI), whereby Accused No. 16, namely, Amit Anilchandra Shah, came to be discharged.

8. The High Court, vide the impugned judgment dated 07.05.2026, dismissed the said Interim Application for reasons which may be briefly noticed. It was found that the Applicant had suppressed the fact that Criminal Application No. 1248 of 2015, preferred by one Mr. Harsh Mander on similar grounds, had been dismissed by the learned Special Judge (CBI) on 11.03.2016, and that the challenge thereto in SLP (Crl.) No. 5000 of 2016 had also been turned down by this Court on 01.08.2016. The High Court further observed that the Applicant had offered no explanation as to: (i) how he came to learn that the High Court had reserved judgment; (ii) his *locus qua* the pending appeals; and (iii) why he sought to assail the proceedings arising out of Crime No. 5 of 2005 more than two decades after its registration. These circumstances, in the view of the High Court, cast doubt on the *bona fides* of the Applicant.

9. We find no reason to differ from the view taken by the High Court, or to interfere with it. This is all the more so because the Applicant, even in the application filed before this Court, has nowhere disclosed: (i) what *locus* he has in the matter; (ii) on what basis this Court ought to implead him; and (iii) how his submissions bear any relevance to the present criminal proceedings. Furthermore, the Applicant has not satisfied us as to why this Court should reopen the order dated 30.12.2014 passed by the learned Special Judge (CBI), which has since attained finality, having never been assailed either by the Respondent-CBI or by the family of the deceased-victims.

10. It is trite law that a third-party intervenor, such as the Applicant herein, has no *locus standi* to intervene in criminal proceedings, and that a stranger to the proceedings can have no role in a prosecution instituted by the State.

11. Further, this Court had already been seized of the matter, and a similar prayer made in SLP (Cr1.) No. 5000 of 2016 stood rejected *in limine*.

12. We, therefore, are unable to discern as to why the same issue is now sought to be re-agitated, or why this Court should return a finding contrary to what has already been settled by the learned Special Judge (CBI), the High Court and, earlier, by this Court itself. We are, thus, of the considered view that the present application is a misconceived attempt on the part of the Applicant to impede

the proceedings and to reopen issues which have long since attained finality.

13. In this light, we are satisfied that the High Court has assigned cogent reasons, and we are not inclined to interfere with the findings recorded in paragraph 43 of the impugned judgment dated 07.05.2026. Accordingly, I.A. No. 285335/2026 stands dismissed.

14. Ordered accordingly.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR