

MHCC020110482021



CITY CIVIL AND SESSIONS COURT OF GR. BOMBAY
IN THE COURT OF SPECIAL SESSIONS JUDGE, C.R. NO. 25.

ORDER BELOW DISCHARGE APPLICATION EXH. 527

IN

SPL. CASE NO. 1090 OF 2021

Sachin Hindurao Waze

...Applicant/
accused No.1.

Versus

National Investigation Agency

...Respondent.

Appearances:-

Adv. Mr. Sajal Yadav for Applicant/accused No.1 Sachin Waze.

SPP Mr. Sunil Gonsalves for the NIA.

CORAM : HHJ SHRI. CHAKOR S. BAVISKAR,
(COURT ROOM NUMBER 25)

Dictated and pronounced the order in open court
on 15th July, 2026.

In short, by moving this application Exh. 527, present applicant/accused Sachin Waze prays this Court to discharge him of all the offences in this case, those are punishable under sections (p/u/s) 120-B, 201, 286, 302, 364, 386, 403, 419, 465, 473 and 506 of the Indian Penal Code, 1860 (the IPC), p/u/s 3 and 25 of the Arms Act

1959, p/u/s 4 of the Explosive Substances Act, 1908 and also p/u/s 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 (the UAPA).

2. Applicant/accused No. 1 Sachin Waze contends in this application (from paragraph Nos. 2/1 to 2/9 of this order) as follows.

2/1. He was a noted police officer. He authored many books. He is a Commerce Graduate and Diploma Holder in Cyber Laws. He was having impeccable career. His honest and dynamic performance festered unforeseen inter-departmental jealousy and rivalry too.

2/2. Present proceeding suffers from want of jurisdiction, nullity, non-est in the eyes of law. Many procedural technicalities are not followed. This application is based on various settled propositions and principles in criminal jurisprudence and propagated by various Honourable High Courts and the Honourable Supreme Court rulings.

2/3. In two out of the three different FIRs in this case, this applicant/ accused Sachin was the Investigating Officer for almost one and half days. During this short period also, he did several requisitions and was in the process of compiling reports. However, the investigation was transferred and he handed over all the documents and the seized property to the subsequent Investigating Officer. He came to know about frivolousness of the criminal acts i.e. about the facts in this case. The investigation has many lacuna. He came to be abruptly and surprisingly arrested in late hours at 11.50 p.m. of 13.03.2021. Charge-sheet of more than 14,000 pages against this and nine more accused is filed in this Court and the investigation is still not completed.

2/4. Till this date, the persons allegedly got threatened by virtue of the anonymous note are not identified, nor their statements are recorded. CCTV footage was examined, analyzed and shown to witnesses much before receipt of the reports of the said CCTV footage. Places of discovery under section 27 of the Indian Evidence Act, 1872 were informed in advance to police officers, media and witnesses.

2/5. No traces of DNA, fingerprints and/or any other scientific evidence exist against this applicant/accused No.1 Sachin to establish his involvement in the alleged offences. There are contradictions about motive behind the alleged offences. The respondent/NIA is not sure that, whether this applicant/accused Sachin wanted to regain clout as ace detective/encounter specialist or intended to create terror or otherwise. Even death of victim i.e. of Mansukh Hiran has not been established as homicidal death.

2/6. This Court does not have jurisdiction to try the present case as provisions of the NIA Act are invoked arbitrarily. No case is made out even under the UAPA. No motive is established. There is no material to demonstrate in respect of striking terror in anyone. The alleged discovery of material i.e. gelatin sticks can not by itself be exploded. Hence, provisions of the UAPA cannot at all be attracted.

2/7/ Even provisions of the IPC do not attract against this applicant/accused No. 1 Sachin. So called analysis of technical data would fall short to meet the offences. It is faulty and unreliable. There are many serious lacuna in investigation in that regard.

2/8. CCTV footages are mysterious. There is undue haste and lack of compliance of procedure. Sanction under the UAPA is invalid. There is blatant falsity in respondent's claims. Investigation is yet to be completed. Completion of investigation is prerequisite to commence trial. Evidence collected in this case is inadmissible. Principles of circumstantial evidence are to be taken into consideration.

2/9. Considering all the above facts and circumstances and in view of settled law, this application may kindly be allowed, holding that, there are no sufficient grounds for proceeding against this applicant/accused No.1 Sachin and hence, he be kindly discharged.

3. Strong contesting Say Exh. 527-A is filed on behalf of the prosecution that is, the respondent/NIA, wherein it is contended (from paragraph Nos. 3/1 to 3/6 of this order) as follows.

3/1. The application is not maintainable. It is devoid of merit and is outrightly liable to be rejected with costs. Similar applications of this same applicant/accused No.1 Sachin have been rejected previously by this Court and by the Hon'ble High Court. Hence, this application is not tenable nor maintainable.

3/2. Present applicant/accused No.1 Sachin has played a key role in all these offences. His role and of co-accused has been detailed in the main charge-sheet. This applicant/accused No.1 Sachin engaged other accused and conspired with them to commit murder of victim Mansukh Hiran and also to commit all the offences in this case. All the technical and procedural formalities are rightly complied with by investigating agency. Arrest formalities were meticulously followed.

3/3. The allegations of this applicant/accused No.1 Sachin are imaginary, based on surmises and conjectures which are wholly misplaced and there is over exaggeration of the true facts and circumstances. All the contentions in this application Exh. 527 are completely denied and disputed by the respondent NIA.

3/4. Statements of Shri. Mukesh Ambani and Smt. Nita Ambani are not recorded yet as the prosecution reserves its right to do so as and when it is necessary to record. Investigation is going on. Conclusive evidence in the form of oral evidence of the witnesses is sufficient to attract all the offences against this and all other accused. Even there is support of technical and electronic evidence. They are all part of evidence about conspiracy. Technical and electronic evidence in the form of CDRs and tower locations of all the accused certainly establishes the prosecution case.

3/5. From all the above facts and circumstances, it can be summarized that, there are no co-incidences and hypothesizes which can infer any other meaning save and except the guilt of present applicant/accused No. 1 Sachin and the co-accused. It is not co-incident at all that all the accused were found in repeated and constant contact *inter se* soon before and soon after the offences in this case.

3/6. Considering all the material placed alongwith the charge-sheet on record and considering the settled propositions in various case laws, this Discharge Application be rejected and charge against present applicant/accused No. 1 Sachin and against co-accused be framed.

4. Perused Discharge Application Exh. 527. Perused Contesting Say Exh. 527-A. Though present applicant/accused No.1 Sachin prayed for time to file rejoinder, and though he was granted sufficient time for that, till today he did not file any rejoinder to Exh. 527-A. Perused the charge-sheet and the record alongwith, including oral, documentary and technical evidence.

5. Heard Ld. advocates appearing in this matter at sufficient length. Ld. advocate Shri. Yadav for present applicant/accused No.1 Sachin argued all in the lines of this application and elaborated the points contended in it. *Per contra*, Ld. SPP Shri. Gonsalves argued in the lines of his contesting Say Exh. 527-A and he also elaborated the points contended in it. The Ld. advocates relied upon certain case laws of the Hon'ble High Courts and also of the Hon'ble Supreme Court.

6. Following points arise for my consideration and I record my findings on them for the reasons to follow as under.

POINTS

FINDINGS

1. Whether present applicant/ accused No.1 Sachin deserves discharge of all the offences in this case, as prayed for ?

... **In the negative.**

2 What order ?

...**This Discharge Application Exh.527 stands rejected.**

R E A S O N S

7. At the outset I mention that, this Discharge Application Exh. 527 is an apt but unwanted example on the part of applicant/accused No.1 Sachin of prolonging this trial. I have no hesitation to mention this at the beginning of reasonings because, this applicant/accused No. 1 Sachin has previously also filed applications praying for similar reliefs, having same effect and which are already rejected. Then once again, at the last after the Ld. SPP completed his opening argument under section 226 of the Code of Criminal Procedure, 1973 (the Cr.P.C.), in reply to the same, applicant/accused No.1 Sachin filed this Discharge application Exh. 527. No reason even in a single word is contended by this applicant/accused No.1 Sachin or by his Ld. advocate that, what prevented them to prefer such application at the earliest, as some of the co-accused did, which would have facilitated speedy trial for which the accused every now and then cry for.

8. This Discharge Application Exh. 527 is of 157 pages. Contesting Say/Reply Exh. 527-A of the NIA is of 145 pages. Besides the case laws discussed in this Exh. 527, separately 93 case laws are filed on behalf of applicant/accused No.1 Sachin and their pages go up to 2040 pages. I have always been feeling honoured to be abided by each and every order and judgment of each and every Superior Court. Hence, I am deciding this application purely on the basis of the gist of all the precedents of all the Hon'ble High Courts and the Hon'ble Supreme Court in the field of Discharge. I happily borrow with pride that gist of the precedents in this order.

9. The basic facts necessary to decide this application and which surface the charge-sheet are (from paragraph No. 9/1 to 9/4 of this order) as follows.

9/1. In this case there are three different FIRs, intricately and inrinsically interlinked with each others. The first FIR is dated 18.02.2021, lodged by Mr. Mansukh Hiran with Vikroli Police Station *vide* FIR No. 47/2021, for offence p/u/s 379 of the IPC contending that, his Mahindra Scorpio SUV vehicle was stolen. This 'Theft FIR' has been transferred for investigation from Vikroli Police Station to DCB CID Crime branch, then to Anti Terrorism Squad and finally to the NIA. Every time it got new registration number with that respective Investigating Agency. It is referred as the 'Theft FIR'.

9/2. Then, the same allegedly stolen Scorpio SUV Vehicle, of which 'Theft FIR' was lodged, found parked with twenty gelatin sticks and a threat note opposite to ShikharKunj building on Carmichael Road, Mumbai, near Antalia, the house of Mukesh Ambani and family. Hence, on 25.02.2021, second FIR No. 35/2021 came to be registered with Gaodevi Police Station, Mumbai, for offences p/u/s 286, 465, 473, 506(2) and 120-B of the IPC and also for offences p/u/s 4(a)(b)(i) of the Explosive Act. This second FIR is also transferred to DCB CID Crime Branch, then to ATS, then to the NIA and every time this crime also got new registration number. This FIR is referred as 'Explosive/Threat FIR', as in that parked SUV vehicle, alongwith twenty gelatin sticks, a threat note to Ambanies was also found, according to the prosecution.

9/3. Mansukh Hiran (who on 18.02.2021 had first lodged the Theft FIR in respect of his Mahindra Scorpio SUV vehicle), had left his house on 04.03.2021, to meet one Police Officer on his call. Mansukh did not return home for the whole night and went missing. Hence, his son Meet Mansukh Hiran on the next day i.e. on 05.03.2021, lodged a missing complaint with Naupada Police Station, Dist. Thane. On 05.03.2021 itself, in between 8.30 a.m. to 09.00 a.m., dead body of one person, (not identified at that moment to be of Mansukh Hiran) was found in Creek of Retibunder, by Mumbra Police. Hence, Accidental Death Report (ADR) No. 39/2021 came to be registered under section 174 of the Cr.PC by Mumbra Police Station. During investigation of that ADR No. 39/2021, something fishy transpired alongwith suspicious material. Smt. Vimala Mansukh Hiran (wife of the deceased Mansukh) also in her complaint before ATS Thane, alleged foul play and claimed that, her husband Mansukh was murdered by Sachin (present applicant/accused No.1). Hence, ultimately, on 07.03.2021, the ATS converted ADR No. 39/2021 into the offence of murder registering the same as FIR No. 12/2021 for offences p/u/s 302, 201, 34, 120-B of the IPC against unknown person for murder of Mansukh. This is the third FIR i.e. 'Murder FIR' in this case.

9/4. Considering the complex nature of the offences and gravity of the offences, Government of India Ministry of Home Affairs (CTCR Division) *vide* order dated 02.09.2021, directed the NIA to take up the investigation. Meanwhile, Sachin (A/1) being the then in-charge of Crime Investigation Unit, Crime branch, Mumbai, had investigated the Theft FIR and the Explosive/Threat FIR for some while. During investigation by the NIA, some discrepancies revealed pertaining to the

investigation conducted by this applicant/accused Sachin. His dubious role was noticed and hence, on 13.02.2021 he came to be arrested. Then in due course, after completion of the investigation, charge-sheet came to be filed in this Court against all the ten accused in this case.

10. Role of present applicant/accused No.1 Sachin as reveals from the charge-sheet and the material alongwith is (from paragraph No. 10/1 to 10/4 of this order) as follows.

10/1. Though in this Discharge application Exh. 527, applicant/accused No.1 Sachin claims that, he had impeccable career record in his service, however, according to the prosecution, his service record was not unblemished and he was under suspension and some inquiries were going on against him. Soon before the offences in this case, accused Sachin was reinstated in service and it is said that, he was directed by high rank political figure to collect Rupees 100 crores per month from various hotels and bars in Mumbai and territory. It is in this backdrop, it is overall case of the prosecution that, accused Sachin wanted to regain his lost glory and wanted to establish himself as a super cop. In that process, he also intended huge monetary gain for himself.

10/2. Hence, to achieve those ends, as above in the last sub para, applicant/accused No.1 Sachin hatched criminal conspiracy to terrorize wealthy and prosperous individuals and also to extort money by putting them into fear of dire consequences. For that, he required a vehicle in which he could plant some explosives, park it in front of the residence of influential and wealthy Industrialist or Corporate tycoon and putting

him under terror, may gain/extort huge amount for self and also to complete the target allegedly given to him.

10/3. It is further case of the prosecution that, hence, applicant/accused No.1 Sachin choose Mahindra Scorpio vehicle of his own friend Mansukh Hiran. Applicant/accused No.1 Sachin had in his possession the Scorpio of Mansukh Hiran from November 2020. He even collected numerous duplicate SIM Cards in fake names with help of accused Nos. 2 and 3. He remained in constant contact with co-accused, handed over back the Scorpio vehicle to Mansukh Hiran for some while and again obtained its possession. Then, on 17.02.2021, the Theft FIR came to be registered for the alleged theft of the Scorpio vehicle. Applicant/accused No.1 Sachin changed identity of the Scorpio by changing its number plates, planted gelatin sticks in it and parked the same with a threat note near house of Mukesh Ambani. Hence, on 25.02.2021, the second FIR i.e. 'Explosive/Threat FIR' came to be registered.

10/4. Applicant/accused No.1 Sachin then wanted his friend Mansukh to take blame on himself in respect of the explosive laden vehicle as it was owned by Mansukh himself. Mansukh refused to do so. Mansukh was knowing all the wrong deeds/conspiracy of applicant/accused No.1 Sachin. Mansukh was reckoned to be a weak link which would break easily. Hence, as the consequences of Explosive/Threat FIR were spiraling out of control, it was feared that, if Mansukh was booked (as there was every probability of his being arrested, as that explosive laden vehicle could be easily traced upto and linked with Mansukh) by other Investigating Agency, it was feared that, Mansukh might reveal everything and in that case,

applicant/accused No.1 Sachin and co-accused would be exposed. Fearing this, applicant/accused No.1 Sachin further conspired to eliminate Mansukh. Accordingly, in the night of 04.03.2021, Mansukh came to be murdered, thrown into the creek and after his dead body was found, 'Murder FIR' came to be registered. The NIA took up the investigation and recorded statements of more than 300 witnesses, collected huge evidence and filed the charge-sheet.

11. This in short, is the gist of allegations against this applicant/accused No.1 Sachin and his role in commission of present offences. For that, there are statements of witnesses like 1) Meet Mansukh Hiren (son of the deceased Mansukh) 2) Balmukund @ Deepak Ganesh Soni, 3) Vinod Hiren, 4) Dr. Binu Varghese, 5) Nandlal Pandit, 6) Mataprasad Gupta, 7) Haresh Durgadas Bhatia, 8) Amin Harun Kasmani, 9) Ratnakar Gautam Kamble, 10) Abhishek Kumar Nathani, 11) Devendra Dharamshi 12) Pankaj Bhosale, 13) Ganesh Baburao Pawar, 14) Joseph Maryan D'Silva, 15) Upendra Vasant More, 16) ACP Alanknure, 17) Nilesh Pannalal Jain, 18) Sameer Gawkar, 19) Vimala Hiren (wife of the deceased Mansukh) 20) Kumar Baban Kadtare, 21) Hemal Bhagwanji Nandu, 22) Prakash Howal, 23) Prashant Jaysingh Dhage, 24) Avinash Shinde, 25) Sanjay Nandu Shinde, 26) Santosh Shivram Mane, 27) Milind Mansohar More, 28) Mahesh Ramesh Shetty, 29) Pravin Shetty and Manas Maity, 30) Kampanatah Giri. There are statements of 15 truncated witnesses Nos. K-1 to K-15.

12. These are some of the witnesses of whose statements are recorded by the prosecution and contended in its contesting Say Exh. 527-A and *prima facie* rightly at this moment that, from

all these statements of these named and truncated witnesses, role of the accused, particularly of present applicant/accused No.1 Sachin, *qua* the offences, reveals satisfactorily.

13. From the charge-sheet, I scrupulously go through the statements of all these witnesses referred in Exh. 527-A. Certainly, there is such sufficient material against applicant/accused No.1 Sachin, which would *prima facie* buttress allegations against applicant/accused No.1 Sachin. Even there are statements of many more witnesses on record who also support the over all allegations against applicant/accused No.1 Sachin by one way or the other.

14. Huge electronic evidence in the form of mobile contacts, CDRs, tower locations, is also collected and placed on record. CCTV footages are also placed on record. Entire electronic evidence has been forwarded to and examined by the Forensic Science Laboratory. According to the prosecution, it also establishes the prosecution case against this applicant/accused No.1 Sachin and also against co-accused, as per the role played by them in the entire conspiracy and in its execution. Analysis of electronic record is also placed on record.

15. Role of each of the accused is specifically distinguished and described in the entire intransigent conspiracy. Huge evidence is collected by the Investigating Agency. All the procedural and technical formalities also appear to have been complied with by the Investigating Agency. Record to that effect is placed on record.

16. Though applicant/accused No.1 Sachin and his Ld. advocate seriously doubt the truth, veracity and effect of the evidence which the prosecution proposes to adduce against this and all the accused in this case, however, certainly this is not the stage at which truth, veracity and effect of prosecution evidence is to be judged meticulously. Even defence of the accused whatsoever, is not to be looked into at this stage, when he seeks discharge under section 227 of the Cr.PC.

17. At the time of framing of charge, probative value of the material on record, cannot be gone into and the material brought on record by the prosecution has to be accepted as true. The Court has to consider the broad probabilities and total effect of the evidence and documents produced before the Court. At this stage, the Court is not entitle to make a roving inquiry into the pros and cons of the evidence.

18. Even it is not at all expected on the part of the trial Court to go deep into the matter and hold that, the material produced by the prosecution alongwith the charge-sheet may not warrant a conviction. What needs to be considered is whether there is a ground for presuming even *prima facie* that, the offence has been committed and not whether a ground for convicting the accused has been made out.

19. At this stage, this Court must proceed on the assumption that the material which has been brought on record by the prosecution is *prima-facie* true and evaluate the material in order to determine whether the facts and circumstances emerging from the material taken on its face value, disclose the existence of the ingredients necessary to

constitute the alleged offences. At this stage, the entire evidence produced by the prosecution is not to stand the test of truthfulness, sufficiency and acceptability of material produced, which can be done only at the stage of trial and certainly not while framing charge.

20. On all the touchstones settled sky high up till now in the forgoing paras, I do not have any hesitation or even a slightest doubt that, more than sufficient material exists on record to frame the charge against applicant/accused No.1 Sachin for the alleged offences.

21. As contended by the respondent/prosecution i.e. NIA in its Say that, present application Exh. 527 for discharge, is not even tenable and maintainable, also has substance at considerable extent. Because, earlier also, in this same case, this same applicant/accused No.1 Sachin had moved application Exh. 462, praying to 'drop the proceeding' against him for want of jurisdiction, the cognizance being time bared, discrepancies in the investigation and for want of proper sanction for prosecution, as required under the provisions of law.

22. That application Exh. 462 of this applicant/accused Sachin came to be rejected by this same Court *vide* reasoned order dated 09.10.2025. Both the prayers i.e. in that application Exh. 462 and this application Exh. 527, are the same. Consequences of the prayers in both these applications are similar. Grounds contended in both the applications are all parallel and the same.

23. Even this same applicant/accused Sachin had filed Criminal Writ Petition No. 2485/2024 before the Hon'ble Bombay High

Court, in which alongwith many other reliefs including prayers of issuance of Writ of Habeas Corpus and/or any other similar writ, order and directions of like nature were prayed. In the same writ itself, this same applicant/accused No.1 Sachin had also prayed for quashing and setting aside the offences against him for invalid sanction under the UAPA and the Arms Act and then, even prayed for quashing of the cognizance taken against him for all the offences. The Hon'ble Bombay High Court pleased to dismiss the Criminal Writ Petition of this applicant/accused Sachin on 06.03.2025. The Hon'ble High Court pleased to observe that,

‘Though the petition runs into many pages and many grounds are taken, learned counsel for the petitioner specifically restricted his arguments only to the submissions which we have noted down in this order.

Considering all these aspects and the above discussion, we are of the opinion that, no relief can be granted in terms of the prayers mentioned in this petition. It is made clear that, the reference to the merits and facts of the case is made only for the purpose of deciding this Petition. The Trial Court, at an appropriate state, shall decide the trial in accordance with law on the basis of the evidence produced before it.

Accordingly the Writ Petition is dismissed.’

24. Thus, almost the same reliefs which applicant/accused Sachin has prayed in this application Exh. 527, were also prayed by him in that earlier Criminal Writ Petition No. 2485/2024, which came to be dismissed by the Hon'ble High Court. Reliefs and

consequences of the same were and are all the parallel. It is important to note that, the Hon'ble Bombay High Court did not think fit to grant any relief to this same applicant/accused No.1 Sachin of which, result would be just like of discharge. Further, the Hon'ble High Court pleased to direct that, all the ground contended by him shall be decided 'at the trial'. Now, it is axiomatic that, the trial is possible only after framing of the charge. To frame charge, this discharge application deserves to be rejected. It is more so, *sans* any merit in it.

25. Again, this same applicant/accused Sachin appears to have filed one more Writ Petition No. 88/2022 in the Hon'ble Delhi High Court for striking down the UAPA offences, according to him they being *ultra virus* to Articles 14 and 21 of the Constitution of India. That Writ also came to be rejected/dismissed by the Hon'ble Delhi High Court on 07.10.2022. This fact is also required to be noted.

26. For the sake of possibility that, if the Writs or anyone of the Writs of accused Sachin was/were allowed, then, it would have the same consequences of discharge, as he is praying for in this application Exh. 527. When the Hon'ble High Courts time and again pleased to reject the same/similar/parallel prayers of this same accused Sachin which have the same effect and consequences, certainly this Court cannot at all grant those reliefs to him. Even otherwise, in all utmost humbleness, I maintain that, even if there had been no such writs and such dismissal orders of any of the Hon'ble High Courts as above, nevertheless, this application Exh. 527 for all the foregoing facts and circumstances and reasons mentioned *supra*, could not have any other fate than of rejection.

27. In this application Exh. 527, present applicant/accused No.1 Sachin has pleaded everything under the Sun which includes facts from his perception, philosophy as per his convenience, law as he picks and chooses, case laws on which reliance is misplaced, irrelevant rhymes and absurd rhetorics, maxims and mayhems and what not, masquerading maverick in mawkish and maudlin manner. With a few lines more, and I fear that, this discharge application would have defeated Britannica Encyclopedia. What is missed is just a merit. Hence,

ORDER

Application Exhibit-527 hereby stands rejected.



Date :15.07.2026.

(CHAKOR SHRIKRISHNA BAVISKAR)

Special Judge
for the cases under the NIA
City Civil and Sessions Court,
Court Room No. 25
Gr. Mumbai.

Dictated on : 10.07.2026
Transcribed on : 13.07.2026
Signed on : 15.07.2026

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
15.07.2026	03.45 p.m.	Aparna V. Lele (Grade I)
Name of the Judge		HHJ SHRI CHAKOR S. BAVISKAR (CR No.25)
Date of Pronouncement of Judgment/Order.		15.07.2026.
Judgment/order signed by P.O on		15.07.2026.
Judgment/order uploaded on		15.07.2026.