

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 869 OF 2015

Mr. Kantilal Hiralal Kanojia	...	Petitioner
vs.		
The State of Maharashtra	...	Respondent

Mr. Mayur S. Sonavane, Advocate, for the petitioner.
Mr. D.R. More, APP, for the State.

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 19th August, 2015.

P.C.

Heard. Rule. Rule made returnable forthwith with the consent of the parties.

2. Being aggrieved by the issuance of show cause notice by the City Sessions Court dated 19.1.2015, the applicant approached this Court seeking relief of quashing of the order passed by the Sessions Court which reads as follows :-

“Issue Show Cause Notice to Kantilal Kanojia as to why the amount received by him should not be directed to be deposited in this court, failing which why his property should not be attached.”

3. The learned counsel for the applicant submits that pursuant to the issuance of the show cause notice, the applicant has not appeared before the concerned MPID Court and has not filed his

reply. It appears that by an order dated 21.7.2015, this Court (Coram: M.L.Tahaliyani, J.) directed that the proceedings be stayed during the pendency of this Petition.

4. This Court is of the opinion that Petition is a premature exercise. The petitioner shall file his reply to the show cause notice dated 19.1.2015. The learned Special Court (MPID Court) shall decide the application on its own merits recording the subjective satisfaction as to why reply is accepted or not accepted. The petitioner shall file a reply before the Sessions Court within two weeks from today. The interim relief shall remain in force for a period of two weeks i.e. till 2nd September, 2015 during which the petitioner shall file his reply before the concerned Court. The learned Special Court shall decide the matter on its own merits, without being influenced by the withdrawal of this Writ Petition. The learned Special Court shall make an endeavour to decide the application on the basis of the reply, as far as possible within four weeks from the date of filing of reply.

5. Petition is disposed of. Rule is accordingly discharged.

(SMT.SADHANA S.JADHAV, J.)