

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

APPEAL NO.299 OF 2014

WITH

CRIMINAL APPLICATION NO.643 OF 2014

WITH

CRIMINAL APPLICATION NO.836 OF 2014

WITH

CRIMINAL APPLICATION NO.907 OF 2014

M/s MSTC Ltd.

... Appellants

v/s

The State of Maharashtra and others

... Respondents

WITH

WRIT PETITION NO.3144 OF 2012

Shobha B. Godbole and others

... Petitioners

v/s

The Pern Co-op. Urban Bank Ltd. and others

... Respondents

WITH

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3644 OF 2011

WITH

CIVIL APPLICATION NO.889 OF 2012

WITH

CIVIL APPLICATION NO.642 OF 2014

WITH

CIVIL APPLICATION NO.1343 OF 2014

WITH

CIVIL APPLICATION NO.2091 OF 2014

WITH

CIVIL APPLICATION NO.2090 OF 2014

**WITH
CIVIL APPLICATION NO.2092 OF 2014
WITH
CIVIL APPLICATION NO.2285 OF 2014
WITH
CIVIL APPLICATION NO.2284 OF 2014
WITH
CIVIL APPLICATION NO.2852 OF 2014
WITH
CIVIL APPLICATION NO.2958 OF 2014**

Naren Vasudev Jadhav and others ... Petitioners
v/s
The Pen Co-op. Urban Bank Ltd. and others ... Respondents

**WITH
WRIT PETITION NO.2495 OF 2014**

The Pen Co-op. Urban Bank Ltd. ... Petitioners
v/s
Union of India, Ministry of Finance and others ... Respondents

**WITH
WRIT PETITION NO.9584 OF 2014**

Sahakari Bank Navnirman Karmachari
Sena and another ... Petitioners
v/s
The Pen Co-op. Urban Bank Ltd. and others ... Respondents

Mr Devashish Jahagirdar with Mr Santosh Avhad i/b M/s Jaykar and
Partners for Appellants in Appeal No.299 of 2014.
Mr F.R. Shaikh, APP for Respondent – State in appeal No.299 of
2014.
Mr Pradeep D. Gharat for Applicants in APPA No.643 of 2014.
Mr Shriram Kulkarni i/b Mr Mandar Kulkarni for applicants in APPA

No.836 of 2014 and Petitioners in WP No.3644 of 2011.

Mr R.B. Raghuvanshi with Mr Ratnesh Dube i/b Ms Rutuja Ambekar for Respondent No.1 - Pen Co-op. Urban Bank Ltd. in WP Nos.3644 of 2011 and 2495 of 2014.

Ms Neha Wadhwa i/b Mr J.G. Reddy for Respondent Nos.6 and 7 in Appeal No.299 of 2014.

Mr Milind Sawant for Respondent No.11 – CBI in Appeal No.299 of 2014.

Ms Priyanka Gidh i/b Mr S.K. Shinde for Intervener.

Mr Mohamedali Chunawala with Mr P.S. Gujar for Union of India in WP No.3644 of 2011.

Mr Rajiv Patil i/b Mr Asif Patel, AGP for Respondent No.9 in WP No.3644 of 2011.

Mr Parag Sharma i/b M/s Udwadia and Udeshi for Respondent No.12 in WP No.3644 of 2011.

Mr C.G. Gavnekar with Mr G.S. Hiranandani for Respondent No.14 in WP No.3644 of 2011.

Mr Nikhil Chandania i/b M/s K. Ashar and Co. for Respondent No.21 in WP No.3644 of 2011.

Mr Uday P. Warunjikar for Petitioners in WP No.9584 of 2014.

**CORAM: V.M. KANADE &
B.P. COLABAWALLA JJ.**

DATE : 9TH JULY 2015

P.C.:-

1. The Appellants in this Appeal have challenged the orders passed by the Special Court under the MPID Act dated 17th February 2014 and 19th March 2014.

2. By the order dated 17th February 2014, the Competent Authority has observed that since no objection has been received, the order of attachment of properties was made absolute. It is an admitted position that thereafter an application was filed by the MSTC Ltd. before the MPID Court and it was specifically added as a party Respondent. It has filed objections to the said order. Under the relevant provisions of the said Act this is a permissible. Accordingly, evidence has also been led and all parties have raised objections to the order of attachment and filed their say. In our opinion, this order has practically become infructuous and the objections filed by MSTC Ltd. are under consideration under section 7 of the Act. The said objections can be considered and thereafter the order of attachment can be modified. After the impugned order was passed on 17th February 2014, another application for recalling the said order was made. That application has also been disposed of. In our view, on account of subsequent developments of MSTC Ltd. being made a party Respondent and their objections are under consideration, the present Appeal has become infructuous. The MPID Court may consider the objections filed by the parties on merits and in

accordance with law.

3. Criminal Appeal No.299 of 2014 alongwith all Criminal Applications therein are accordingly disposed of. All contentions are kept open and can be raised before the MPID Court. DICGC be added as party Respondent, if not impleaded. Stand over to 21st July 2015 at 1.00 p.m.

(B.P. COLABAWALLA, J.)

(V.M. KANADE J.)