

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1721 OF 2014

Auro Gold Jewellery Pvt. Ltd.

.. Petitioner

v/s.

The Superintendent of Police, CBI & Ors.

..Respondents

Mr. Subhash Jha i/b Law Global Advocates for the petitioner

Mrs. A.S. Pai for respondent no.2

Mr. H.S. Venegaonkar for respondent no.1

Mrs. P.H. Kantharia, APP for the respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 15th APRIL, 2015.

P.C.

1. Heard. There is no dispute that gold to the extent of 2414.24 grams is seized by the C.B.I. from the petitioner on 7th and 8th December, 2013. There is also no dispute that gold to the extent of 11.027 kg was already seized from the petitioner by the D.R.I. on 11th September, 2013.

2. The petitioner's application for release of gold to the extent

of 2414.24 grams, which is the subject matter of the R.C. No.33A/2013-CBI/ACB was rejected by the learned Magistrate and this order is confirmed by this Court. The petitioner however, approached the Supreme Court and the matter is subjudice before the Supreme Court.

3. Mr. Jha, learned Counsel for the petitioner submits that the allegations made against the accused Shyamal Acharya is that during the period from 1st April 2000 till 23rd November 2013, the accused Shyamal Acharya has entrusted with petitioner gold to the extent of 6.684 kg. He submits that additional gold seized from the petitioner be directed to return to the petitioner.

4. Mr. Venegaonkar, learned Counsel for the CBI submits that in respect of the trap case against Shyamal Acharya, investigation is complete and separate FIR is registered against Shyamal Acharya for disproportionate of assets and the Chairman of the present company for abating the same. He submits that

investigation into this offence is in progress. Having taken instructions from the concerned officer, who is present in Court, learned Counsel for respondent no.1 states that the investigation will be completed within a period of 3 months from today. Statement is accepted.

5. In view of the statement made by Mr. Venegaonkar, Mr. Jha states that he would approach the learned Special Court under Section 451 of the Cr.P.C. after completion of the investigation.

6. In the light of the statement, the petitioner is granted liberty to approach the Special Court under Section 451 of the Cr.P.C. for release of 11.027 kg. Gold. All contentions of the parties are expressly kept open.

7. The Writ Petition stands disposed of in the above terms.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)