

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION No. 2143 OF 2015

Nirman Shelters (B) Pvt. Ltd. ..Petitioner.

Versus

State of Maharashtra. ..Respondent.

Mr. Shyam Kalyankar for the Petitioner.

Mrs. U. V. Kejriwal, learned APP for the State.

Mr. M. U. Gujar, API, EoW Unit-I.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **June 18, 2015.**

P. C.:

1. By this petition, the Petitioner is seeking de-freezing of its Current Bank Account bearing No.0902000100171301 with Karnataka Bank Ltd, Basavangudi Branch, Bengaluru. Secondly, the Petitioner has also sought to quash the notice dated 29th April 2015 issued by the Respondent under section 102 of the Code of Criminal Procedure, 1973 to debit-freeze the Petitioner's bank account.

2. Learned Counsel appearing for the Petitioner at the outset submitted that at this stage the Petitioner is not pressing the later part of the prayer with regard to quashing of notice issued under section 102 of the Code of Criminal Procedure,

1973. In that view of the matter, and said part of the prayer does not require any consideration.

3. So far as the first part of the prayer is concerned, learned APP for the State, having taken instructions from the officer concerned, who is present in the Court, states that the Respondent – CID does not have any objection for de-freezing the said bank Account of the Petitioner provided an amount of Rs.41,25,000/- is earmarked or deposited in the Court. Learned Counsel appearing for the Petitioner after taking instructions from his client states that they are ready to deposit the said amount in this Court and necessary directions be given to the bank to issue a demand draft of Rs.41,25,000/- from the said Current Account.

4. In the light of above statements, writ petition is disposed of with following directions :

[I] The Petitioner's Banker-Karnataka Bank Ltd, Basavanagudi Branch is directed to issue a demand draft for an amount of Rs.41,25,000/- from the Petitioner's Current Bank Account with them, i.e., Current A/c. No. 0902000100171301 in the name of Registrar (Judicial), Bombay High Court and hand over the same to the Petitioner.

- [II] The Petitioner shall deposit the said demand draft in the Registry of this Court within seven days
- [III] Registry shall invest the said amount in any nationalised Bank initially for the period of one year and further renew the same on year to year basis, if required.
- [IV] Upon deposit of the amount of Rs.41,25,000/- in the aforestated manner, the Petitioner's Current Bank Account No. 0902000100171301 with Karnataka Bank, Bengaluru shall stand de-freezed.
- [V] The aforesaid deposit of amount is subject to the outcome of investigation into CR No.72/2014. Liberty to the parties to apply for in this regard.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]