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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1034 of 2015
IN
CRIMINAL APPEAL No. 842 of 2015

Ashok Trikamchand Bajaj ..Appellant/Applicant.
V/s
State of Maharashtra and Anr ..Respondents.

Mrs Manjula Rao a/with Ashok Kumar Dubey, advocate i/by
Savj Law Solutions for the appellant/applicant.
Mrs Anamika Malhotra, APP for the State.

CORAM : A.R.JOSHI,J
DATE : 3rd September,2015.

PC. :

1) This appeal is preferred by the third party to the main Special case No.3 of 2003 challenging the order dated 25th June,2015 passed by the Special Court under the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short “MPID” Act).

2) The impugned order was passed on Misc. Application No. 276 of 2004 preferred by the Competent Authority under the MPID Act i.e. Additional District Deputy Collector, Mumbai. Said application was filed under section 8 of the MPID Act. It is submitted on behalf of the present appellant/applicant that prior to passing the impugned order, the present appellant/applicant was not served and

also was not heard. It is also submitted that there was nothing for the Special Court to pass said order as the present appellant/applicant then noticee, on receipt of the notice of the application No. 276 of 2004 from the Competent Authority, had already explained his stand that the concerned borrowings from the original accused persons were already cleared. It is further submitted that in spite of this reply given to the Competent Authority, said relevant material was not placed before the Special Court at the time of hearing of the Application No. 276 of 2004.

3) By separate application No. 1034 of 2015 stay to the operation of the impugned order is asked till the appeal preferred by the present appellant is disposed of.

4) The appeal is admitted.

5) The respondents to file their detailed say on the contents of the appeal by next date.

6) In the meantime, till next date the operation and implementation of the impugned order dated 25th June, 2015 is stayed.

7) Stand over to 25th September, 2015.

(A.R. JOSHI, J.)

Certified to be true and correct copy of the original signed order.