

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

CRIMINAL WRIT PETITION NO. 3975 OF 2014

V.B. Padode & ors.

.. Petitioners

v/s.

The State of Maharashtra

..Respondents

Mr. Rajendra Sorankar for the petitioners

Mr. S.K. Shinde, PP a/w Mr. J.P. Yagnik, APP for the respondent
State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 12th MARCH, 2015.**

P.C.

1. By this petition, the petitioners are seeking following
reliefs :-

“(a) That this Hon'ble Court be pleased to call for the record and proceedings in MPID Special Case No.1 of 2005 pending on the file of the learned Special Court at Mumbai and after going through the legality and validity of the proceedings and charge framed dated 16th December, 2011 this Hon'ble Court be pleased quash and set aside the same.

(b) That this Hon'ble Court be pleased to quash and set aside the charge framed on against the petitioners by the learned

Trial Court.”

2. The petitioners had earlier also approached this Court by filing Writ Petition No.310 of 2012. The petitioners by this petition, had sought quashing of the criminal proceedings arising out of FIR No. No.174 of 2001, registered for the offence punishable under Sections 420, 406 and 120B of the IPC and Sections 3 and 4 of the M.P.I.D Act, which was subsequently, after filing of the chargesheet, numbered as M.P.I.D. Case No.1 of 2005.

3. The Division Bench of this Court disposed of the Writ Petition No.310 of 2012 by passing following order, which reads thus :-

“*. Heard.*

2. By this petition, the petitioners are seeking to quash and set aside the criminal proceedings arising out of F.I.R.No.174/2001 registered for the offence punishable under sections 420, 406 and 120B of I.P.C. and sections 3 and 4 of the M.P.I.D. Act on the ground that out of 195 investors 121 investors have been paid their amount of investment. 35 of such investors are not traced out. Their amount, according to the petitioners, has been deposited in fixed deposit scheme under the orders of the Sessions

Court. Learned counsel submits that considering the facts and subsequent developments, the prosecution be quashed and set aside.

3. Learned A.P.P. submits that charge has already been framed against the accused persons. It would not be possible to trace out 35 persons, who, according to the petitioners, were the investors.

4. We have perused the record placed before us. Though the petitioners state that majority of the investors were paid back their amount of investment, we find that 35 such investors have not been traced out so far. Their interest is also required to be taken care of. It is submitted that charge has already been framed by the trial Court against the accused persons. The petitioners so far has not been able to trace out those 35 investors. It is submitted that the amount towards investment made by those 35 investors is deposited with the Registry of the trial Court. Considering the facts and circumstances of the case, we direct the trial Court to expeditiously dispose of the case on its own merits. Keeping all issues on merits open, writ petition is disposed of.

5. In view of disposal of writ petition, civil application does not survive and stands disposed of accordingly.”

4. The petitioners have not brought on record any change in circumstances. The present Writ Petition seeking similar reliefs, is not maintainable and accordingly the same is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)