

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.390 OF 2014

(Sachin Marotrao Khade and others vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri K.S. Narwade, Advocate for petitioners.

Shri T.A. Mirza, Additional Public Prosecutor for
respondent nos.1, 2 and 8.

CORAM : A.B. CHAUDHARI AND
 P.N. DESHMUKH, JJ.

DATED : AUGUST 3, 2015

 Heard learned Counsel for the rival
parties. Perused the earlier orders made by this
Court.

 The first grievance made by the learned
Counsel for the petitioners is that in terms of
Sections 4 and 5 of the Maharashtra Protection of
Interest of Depositors (In Financial Establishments)
Act, 1999, 'Competent Authority' in multiple
numbers cannot be appointed as that would lead to
confusion.

We have perused Section 5(1) of the said Act and we find therefrom that the said provision does not put any restriction that only one Competent Authority can be appointed and not in multiples. On the contrary, we find that appointment of multiple Competent Authorities in order to have control over the properties, deposits, etc. in different areas of the State would be more convenient and in the interest of depositors rather than appointing only one Competent Authority, which would face hurdles in ultimately satisfying the object of the said Act.

The second submission of the learned Counsel for the petitioners is about non issuance of notification in the Official Gazette under Section 4(1)(ii) of the said Act. We find that notification under Section 4(1)(ii) of the said Act is required to be issued depending upon result of the investigation and it is a continuous process to issue notification as and when needed in a particular area.

The third submission of the learned Counsel for the petitioners is about not constituting 'Designated Court'. Since the same does not form subject matter of the criminal writ petition, we leave

the said aspect open since we do not believe that there is no 'Designated Court' appointed as contended by the learned Counsel for the petitioners. The criminal writ petition is disposed of accordingly.

JUDGE

JUDGE

khj