

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION NO. 1508 /2014

IN

CRIMINAL APPLICATION (BA) NO. 487/2013

(1.Manoj s/o Shrigovind Agrawal and another vs. State of Maharashtra)

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

Court's or Judge's order

Mr. F.T. Mirza, Advocate for applicants
Mrs. Bharati Dangre, Public Prosecutor for respondent-State

CORAM: A.B.CHAUDHARI, J.

DATED : 14th December, 2015.

Heard learned counsel for the rival parties at
length on several dates.

This Court had made an order dated 19.7.2013;
the relevant portion of which is quoted below:-

“ The applicant Nos.4,5 and 6 jointly or
severally shall deposit Rs.1,00,00,000/- in the Sales
Tax Department by way of provisional payment of
alleged evaded Value Added Tax. This shall be subject
to final adjudication by the competent authority. The
amount shall be paid within a period of six weeks from
the date of release of the applicant Nos.4,5 and 6 as a
lump sum or in four installments of Rs.25,00,000/-
each.”

In accordance with the above order, the applicants 4,5 and 6 were released on bail and amount of Rs.1,00,00,000/- (rupees one crore) in all, was deposited by them in this Court.

Further orders were passed by this Court, by which there was bifurcation of the deposit of the said amount; but then the fact remains that the entire amount of Rs. 1 one crore, in all, was deposited.

The deposit was to continue till the final adjudication by the Competent Authority i.e. namely Sales Tax officer (Audit) Chandrapur who made the order finally on 1.7.2013 holding M/s Jairam Corporation, through Proprietor : Ashok Poddar as the only person responsible in the ultimate operative order though it was held in the body of the order that M/s G.S. Oils Ltd. Adilabad, was the real person in duping the State, with the sales tax dues. It is undisputed the said order has become final. In the wake of such order having been made by the Sales Tax Authority, according to learned counsel for the applicants, the applicants are entitled to the refund of the money deposited in this Court since the bail order was limited to the authority deciding the dispute and which in fact has been decided.

Mrs. Dangre, learned Public Prosecutor for the respondent -State opposed the Application tooth and nail, however she does not have any specific ground as to how the amount could be any more kept with this Court, any more. Mrs. Dangre submitted that the RCC

notices have been issued to M/s G.S. Oils Ltd., Adilabad for recovery of same dues since the principal can be made responsible for making the payment of those dues. In that view of the matter, I make the following order:

ORDER

Criminal Application No: 1508/2014 is allowed in terms of its prayer clause. Rule made absolute.

JUDGE

sahare