

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1061 OF 2016

Neville Eruch Gheewalla

..... Applicant

V/s

The State of Maharashtra & Anr.

..... Respondents

Mr. Jehangir M. Khajotia for the Applicant.

Mr. K.V. Saste, APP for the Respondent No.1/State.

Ms. Purnima G. Bhatia for the Respondent No.2.

AND

CRIMINAL APPLICATION NO.1062 OF 2016

Mohd. Hanif Bharucha & Anr.

..... Applicants

V/s

The State of Maharashtra & Anr.

..... Respondents

Mr. Aabad H.H. Ponda i/b Mr. Jehangir M. Khajotia for the Applicant.

Dr. F.R. Shaikh, APP for the Respondent No.1/State.

Ms. Purnima G. Bhatia for the Respondent No.2.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 25 OCTOBER 2016

P.C.:

For the reasons separately recorded in the judgment the following order is passed:

ORDER

i) In Criminal Application No.1061 of 2016 rule is made absolute in terms of prayer clause (c) which reads thus:

“(c) That this Hon'ble Court be pleased to quash and set aside the C.C.No.1044/PW/2003 along with C.C. No.361/PW/2010 being Supplementary Charge-Sheet, pending before the Learned Metropolitan Magistrate, 19th Court at Esplanade, Mumbai arising out of C.R. No.81 of 2002, the investigation being transferred to E.O.W. u/s. 420, 406, 465, 467, 468, 471, 120(b) r/w 34 I.P.C. registered by Economic Offences Wing and the Applicant be acquitted in the facts and circumstances of the case and the bail bond of the Applicant be cancelled;”

ii) In Criminal Application No.1062 of 2016 rule is made absolute in terms of prayer clause (c) which reads thus:

“(c) That this Hon'ble Court be pleased to quash and set aside the C.C.No.1044/PW/2003 along with C.C. No.361/PW/2010 being Supplementary Charge-Sheet, pending before the Learned Metropolitan Magistrate, 19th Court at Esplanade, Mumbai arising out of C.R. No.81 of 2002, the investigation being transferred to E.O.W. u/s. 420, 406, 465, 467, 468, 471, 120(b) r/w 34 I.P.C. registered by Economic Offences Wing and the Applicants' be acquitted in the facts and circumstances of the case and the bail bond of the Applicants be cancelled;”

- iii) We direct the Investigating Officer to refund sum of Rs.1,00,000/- deposited by the Applicant in Criminal Application No.1061 of 2016 to the said Applicant along with interest accrued thereon. The amount shall be refunded within a period of one month from the date on which an authenticated copy of operative part of the judgment and order is served by the Applicants to the concerned Officer of the Police;
- iv) As a result of this order, Investigating Officer shall take steps for defreezing the bank accounts of the Applicants which were freezed during the course of the investigation;
- v) All concerned to act upon an authenticated copy of the operative order of this judgment and order.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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