

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.565 OF 2017
IN
CRIMINAL APPEAL NO.160 OF 2013**

ARVIND VIJETA MITTAL AND ANR.)...APPLICANTS

V/s.

UNION OF INDIA AND ANR.)...RESPONDENTS

Mr.M.G.Shukla, Advocate for the Applicants.

Ms.Ameeta Kuttikrishnan, Advocate for Respondent No.1.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 15th OCTOBER 2018

P.C. :

1 This is an application by the applicants/accused to comply Clause Nos.4, 5 and 7 of the judgment and order dated 28th December 2012 passed by the learned Special Judge directing

return of rest of the assets after release of amount disproportionate to known sources of income of the applicants/accused. The other prayer is to defreeze some account held in the name of Rakesh Goel.

2 Heard both sides.

3 In the instant application, direction to defreeze the account of Rakesh Goel cannot be granted. Hence, the prayer made in Prayer Clause (c) cannot be granted.

4 The prosecuting agency i.e. Central Bureau of Investigation (CBI) has not challenged the impugned judgment and order passed by the learned Special Judge in Special Case No.60 of 2005. Hence, the prosecuting agency is bound to comply the judgment and order dated 28th December 2012 passed by the learned Special Judge for CBI, Greater Mumbai, in Special Case No.60 of 2005.

5 In this view of the matter, the respondent/CBI is directed to comply Clause Nos.4, 5 and 7 of the said judgment and order, which is impugned in the instant appeal.

The application is accordingly disposed off.

(A. M. BADAR, J.)