

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

WRIT PETITION NO.1201 OF 2016

K. J. Anthony

...Petitioner

vs.

The State of Maharashtra

...Respondent

Mallika A. Ingale for the Petitioner.

Mr. S. R. Shinde, APP for the Respondent/State.

Mr. B. K. Ahar, Pl. EOW, Unit-7.

**CORAM : B. P. DHARMADHIKARI &
N.R. BORKAR , JJ.**

DATE : 05/12/2019.

PC.:

. Learned counsel appearing for the petitioner has while narrating facts fairly invited our attention to order dated 26/11/2015 in Criminal Revision Application No.433/2015 and submits that revision under section 397 Cr.P.C. was then withdrawn. Effort in present application under section 482 of Cr.P.C. is thereafter to show that invocation of sections 3 and 4 of MPID Act is not possible.

2. We are taken through sections 4 and 14 of the MPID Act with contention that no trial for offence under section 3 or under section 4 commences unless procedure stipulated in Section 4(3) is complied with.

3. Learned APP for the Respondent/State is disputing this.

4. Our attention is invited to some document presented to Special

Court, Mumbai in Sessions Case No.37/2004 wherein while mentioning crime number, sections noted are Ss.406, 420, 120-B of IPC read with S.3, 4 of MPID Act.

5. Our reading of section 4 of MPID Act does not show any offence or any punishment. Section 3 is about fraudulent default by establishment. For such default the punishment is also prescribed in said section.

6. Prima facie we find that sections 3 and 4 are distinct and also operate independent of each other.

7. Section 14 of MPID Act only gives overriding effect to MPID Act. It does not in any way further the contention of the petitioner noted supra.

8. We therefore find no case made out. The petition is rejected.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)