

Vidya Amin.

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

CRIMINAL WRIT PETITION NO. 2327 OF 2017

Bapu Shantaram Satam	...	Petitioner
VS.		
Union of India & Ors.	...	Respondents

Mr. Ayaz Khan, Advocate for the petitioner.
Mr. H.S. Venegaokar a/w. Mr, D.P. Singh, Advocate for respondent nos. 1,3.
Mr. A.R. Patil, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 14th January, 2019**

P.C. :

Rule. Rule made returnable forthwith. By consent of the parties, Writ Petition is heard and decided finally at the stage of admission.

2. This Writ Petition is directed against the order dated 21st April, 2014 passed by the Competent Authority under SAFEMA proceedings and the order dated 28th March, 2017 passed by the Appellate Tribunal in respect of the property mentioned at Sr. No. 29 in show cause notice no. CA/MUM/SAF/04/2012 dated 18th May, 2012.

3. The learned counsel for the petitioner submitted that the petitioner is the father of the accused-Ajit Bapu Satam, who is facing prosecution under section 7, 19 of Smugglers and Foreign Exchange Manipulation (Forfeiture of Property) Act (SAFEMA) the authority gave him notice on 18th May, 2012 and thereafter the order was passed on 28th March, 2017. He submitted that no notice, as contemplated under section 6 of SAFEMA was issued to the petitioner and therefore, the said notice and the order of forfeiture is illegal. In support of his submissions, he relied on the judgment of Aslam Mohammed vs. Competent Authority & Ors. (2008) 14 SCC 186.

4. The learned counsel Mr. Venegaonkar, admits that no notice was issued to the petitioner, however, the prosecutor may give another show cause notice in compliance with section 6 of SAFEMA.

5. In view of the facts, as notice is not issued, which is mandatory, under section 6 of SAFEMA to the petitioner, rule is made absolute in terms of prayer clause (b).

(MRIDULA BHATKAR, J.)