

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

WRIT PETITION NO.1207 OF 2020

Arun Kumar Saha and Anr.

...Petitioners

vs.

The Union of India and Anr.

...Respondents

Mr.Niranjan Mundargi a/w. Mr. Jadhav i/b Mr. Juvekar, Kavita Chavan and
Krutika Chaulkar i/b Rajani Associates for the Petitioners.

Mr. H. S. Venegaonkar for Respondent No.1.

Mr. Deepak Thakare, PP a/w. Mr. S. R. Shinde, APP for the
Respondent/State.

**CORAM : B. P. DHARMADHIKARI,
ACTING CHIEF JUSTICE &
N. R. BORKAR, J.**

DATE : 5/3/2020.

PC.:

. Petitioners have challenged the order dated 7/2/2020 of the
adjudicating Authority which confirmed the earlier order of provisional
attachment dated 16/8/2019. The order of confirmation runs into about
289 pages.

2. Petitioners are preferring statutory appeal under section 26 of
Prevention of Money Laundering Act, 2002 and law permits period of 45
days for that purpose.

3. Respondent Authority immediately served them the notice of
eviction for attaching the properties and petitioners have been given time
of 10 days for that purpose.

4. Limited prayer of the petitioners is to permit them time to

approach the Appellate Authority to obtain suitable orders.

5. Mr. Venegaonkar for Respondent No.1 does not dispute the facts. He submits that no doubt law gives the petitioners period of 45 days but they cannot be permitted to create third party interest in the subject matter. Upon instructions he also states that the period of 10 days mentioned in the notice dated 27/2/2020 shall begin to run after expiry of the period of 45 days prescribed for preferring the appeal.

5. In this situation, we find that interest of justice can be met with by directing respondent not to implement the notice of eviction for period of 55 days from 18/2/2020 that is the date of service of the order of confirmation of attachment.

6. Petitioners shall however in the meanwhile not create third party interest and shall not encumber the said property.

7. The arrangement made supra is subject to such orders as the Appellate Authority may deem fit and proper to pass in exercise of its jurisdiction. The Petition is disposed of.

(N. R. BORKAR, J.)

(ACTING CHIEF JUSTICE)