

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 381 OF 2021

Jaisingh Choraria & Ors.

..Petitioners

Versus

Union of India & Ors.

..Respondents

Mr. Siddhesh Bhole a/w. Mr. Abdulla Katlariwala a/w. Ms. Aarti Deodhar i/b. SSB Legal & Advisory for Petitioners.

Mr. Nilesh Bamne i/b. A. R. Bamne & Co. for Respondent No.3.

Mr. D. P. Singh for Respondent No.1.

Ms. M. H. Mhatre, APP for State/Respondent.

CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.

DATE : 07 OCTOBER 2021

P.C. :

. Heard the learned counsel for the parties.

2. The Petitioners have filed this Writ Petition with following prayers :

“a) That this Hon’ble Court be pleased to issue a writ of mandamus or such other writ/order or direction as may be deemed appropriate by this Hon’ble Court to direct the Respondent No.1

being the office of Enforcement Directorate, (Zonal Officer) at 10-A Jamnagar House, Akbar Road, New Delhi 110011 to forthwith inform Respondent Nos.2 to 4 to release / de-freeze the said accounts/ lockers / mutual fund immediately.

b) In the alternative and without prejudice to prayer clause a) above, that this Hon'ble Court be pleased to issue a writ/direction or order or such other orders to Respondent No.2 to 4 to forthwith release / de-freeze the bank accounts / lockers and mutual funds as more particularly described in Exhibit A."

3. The reply is filed on behalf of Directorate of Enforcement by Baldev Prasad Khanduri, Assistant Director, Directorate of Enforcement, wherein he has stated as under:-

"That the contentions of the petitioner are untenable. The said bank accounts were not frozen, only direction was given to concerned banks and financial institutions that withdrawal/encashment from the said accounts be allowed with prior intimation to this office."

4. The learned counsel for the Respondent No.1 reiterates the points stated in the affidavit that the accounts, mutual funds, lockers of the Petitioners were never frozen. It was only informed to the banks and financial institutions that withdrawal from the said accounts be allowed with prior intimation to the Enforcement Directorate.

5. This position being verified, none of the prayers would survive, which is also acknowledged by the learned counsel for the Petitioners. Therefore, it is not necessary to keep this Writ Petition pending, which is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)