

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1536 OF 2018

Reshma Anwar Motiwala

.... Petitioner

Versus

The State of Maharashtra and others

.... Respondents

....

Mr. Rizwan Merchant, Advocate i/b. Rizwan Merchant & Associates,
for the Petitioner.

Ms. A.S. Pai, Public Prosecutor for Respondent No.1-State.

Mr. Saurabh Kshirsagar, Advocate i/b. Hiten S. Venegaokar, for
Respondent No.2.

Mr. Gaurav Lele, Advocate i/b. Sudha Dwivedi, for Respondent No.3.

....

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

DATE : 13 OCTOBER 2021

P.C.

This Petition was filed for the following relief:

“(a) That this Hon’ble Court be pleased to direct the Respondent to attach and seal the immovable property purchased by the Accused Ayub and his wife from the proceeds of crime i.e. Flat No.202, A Wing, (B-1), Hira Residency, Shil Road, Shil Phata, Mumbra, Dist Thane at; until the conclusion of the trial

in C.C. No.402/PW/2017 pending on the file of Ld. Additional Chief Metropolitan Magistrate, 18th Court, Girgaum, Mumbai”

2. The learned counsel for the Petitioner has drawn our attention to the order dated 18 August 2021 which reads thus :

- “1. Learned counsel for Respondent No.3 on instructions submits that the Respondent No.3 will file an undertaking that he will not alienate the subject property till the conclusion of trial. Such undertaking to be filed on or before 23rd August, 2021. In case, such undertaking is presented in the registry, registry to accept the same.*
- 2. Needless to observe that before filing an undertaking in the registry, copy of the same shall be served to the learned counsel for the petitioner and learned PP appearing for State. List on 24th August, 2021.”*

3. The learned counsel for the Petitioner states that the undertaking filed by Respondent No.3, except certain words in the undertaking, the undertaking “not to alienate the property” will suffice the purpose of this Petition. The undertaking is tendered on 20 August 2021 by Respondent No.3.

4. The learned counsel for the Petitioner and the learned Counsel for Respondent No.3 seek to comment on the words “I am the owner” in the undertaking. We are not inclined to enter into that controversy which we would keep open and accept the undertaking.

5. In the light of the undertaking, no further orders are required to be passed. The Writ Petition is accordingly disposed of.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
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(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)