

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1265 OF 2021
IN
CRIMINAL APPEAL NO.1127 OF 2018

Ulka Mahadev Sonawane Applicant/
Intervener

IN THE MATTER BETWEEN
Hotel Avion Private LimitedAppellant
Versus

The State of Maharashtra and others Respondents

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Ms. Anjali Navle, Advocate for the Applicant/Intervener.

Mr. G.S. Godbole, Advocate i/b. Shruti Tulpule, for original appellant.

Ms. A.S. Pai, Public Prosecutor a/w. S.D. Shinde, APP, for the
Respondent-State.

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

DATE : 24 NOVEMBER 2021

P.C.

Heard the learned counsel for the parties.

2. This intervention application is taken out by one of the investors to be impleaded as party Respondent in Criminal Appeal No.1127/2018.

3. By a notification issued as far back as on 17 May 2000, the properties of the accused one Uday Acharya, the Promoter/Director of C.U. Marketing Company were attached under the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act.

As per the Scheme of the Act further steps are taken after attachment, to the benefit of the investors. However, due to the dispute between two bidders i.e. the Appellant and the Respondent No.3 in respect of process of bidding for sale of one of the properties and the consequent interim order granted in the appeal, the further process has been held up. Therefore, a grievance made by the intervenor/investor is that pendency of the appeal is seriously affecting their interest is fully justified. Considering the policy underlying the Act, at least one of the investors in a representative capacity ought to have been joined as a Respondent to the proceedings.

4. We accordingly allow interim application as far as intervention is concerned i.e. prayer clause (b) and as regards the prayer for fixing appropriate date for proceedings to be heard finally, list the appeal along with connected matters on the “Fixed Matters” board in the week commencing from 29 November 2021.

5. The learned counsel for the parties will circulate summary of their propositions with reference to pleadings and case laws which they seek to rely upon before the next date assigned.

6. Interim Application is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)

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