

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

**INTERIM APPLICATION NO.1878 OF 2021
IN
CRIMINAL APPEAL NO.288 OF 2021**

Leeladhar Aithu Bangera

...Appellant/Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

....

Ms Shital Turakhia for the Applicant.

Mr. S.V. Gavand, APP for Respondent No.1

Mr. Hiten S. Venegaonkar for CBI for Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 17th DECEMBER, 2021.

P.C.:-

1. By the impugned judgment dated 23/02/2021 the Applicant has been held guilty of offence under Section 13(1)(e) r/w 13(2) of the Prevention of Corruption Act and also in respect of the provisions under the Indian Penal Code.

2. Maximum sentence is of three years and the substantive sentence is already suspended by order dated 24/03/2021. By order dated 23/02/2021 the learned Special Judge CBI also directed to recover disproportionate assets to the tune of Rs.59,89, 38/- from the assets and

movable and immovable properties of the Applicant as per Section 16 of the Prevention of Corruption Act.

3. By this application, the Applicant has sought stay of execution and operation of the order dated 23/02/2021 in respect of recovery of disproportionate assets to the tune of Rs.59,89,138/-. The Applicant has filed an affidavit. In paragraph 7 of the affidavit the Applicant has stated thus:-

“7. I further say that I am owner of Flat No.201, L-1 Wing, 2nd floor, Shivganga Lok Kedar Cooperative Housing Society Ltd., Jata Shankar Dosa Road, Mulund (West), Mumbai- 400080 i.e. present resident. The said flat consist of two bed room, hall and kitchen of area of 775 sq ft valued approximately Rs.1,50,00,000/- (One Crore and Fifty lacs). The said flat is free from any encumbrances and same is purchased before the check period. I enclose herewith copies of maintenance bill-cum-receipt issued by the said Shivganga Lok Kedar Cooperative Housing Society Ltd. for the Month of July-2021 to September-2021. I state that I shall not sell or create any third party rights on the said above mentioned flat till the final hearing and disposal of the present Criminal Appeal.”

4. Mr. Venegaonkar, learned counsel for Respondent No.2-CBI

was directed to verify the authenticity of the valuation report and the valuation of the flat mentioned in the said report. He states that same has been verified and the valuation report as well as valuation done by the Valuer is genuine. Verification report is placed on record.

5. The statements made in the affidavit are accepted. Since the interest of the State is secured, the application is allowed. The execution and operation of the order passed by the learned Special Judge, CBI relating to recovery of disproportionate assets to the tune of Rs.59, 89,138/- from the assets and movable and immovable properties of the Applicant, is suspended pending hearing of the appeal. The Applicant shall not transfer or alienate the flat No.201, more particularly described in paragraph 7 of the affidavit, pending hearing of the appeal.

6. The application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)