

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.985 OF 2021
IN
WRIT PETITION NO.1555 OF 2016**

Pratima Chandrashekar Naicker
& Ors.

..

Applicants

Vs.

C. Chandrashekar Naiker & Ors.

..

Respondents

...

Mr. B.G. Tangsali with Mr. Onkar Nagvekar and Mr. Sanjay S. Gawde for the Applicant.

Mr. H.S. Venegavkar for respondent No.1.

Ms. S.S. Kaushik, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 18TH MARCH, 2021.

P.C:-

1. On an earlier occasion i.e. on 11/10/2019, this court recorded that the pendency of an appeal filed by an accused cannot be put forth as a ground for non consideration and

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complying the directions issued by the Special Court as regards return of the amount to the legal heirs of Padma Vyas and Rajesh Vyas. Further, on 28/02/2020, when it was revealed that the FDR was standing in the name of CBI, on an Interim Application being taken out, a statement came to be made by counsel for the CBI that the said amount being deposited in the form of FDR in the Bank of Baroda, Crawford Market Branch and the CBI would forthwith monetize the said amount containing the FDR and bring it to the Special Judge within a period of two weeks.

2. The said order was passed more than a year back. Today, an Application for modification has been brought before this court pointing out that the entire record of the proceedings, on account of the appeal being pending in the High Court, lies in the Registry of the High Court and, in such circumstances, the FDR can be monetized by the CBI with the permission of the Registry of this Court. This is the limited modification which is sought and this is not seriously opposed by learned counsel for the CBI, who fairly states that there is no difficulty with this arrangement being worked out.

3. In the light of the said statement, the Registry is directed to hand over the FDR to the CBI, who would remit the amount in favour of the Applicants viz. Pratima Chandrashekhar Naicker, Meenakshi Narayanlal Bhatt and Madhvi Bharat Vyas.

4. With the aforesaid modification, Interim Application No.985 of 2021 stands disposed of.

SMT. BHARATI DANGRE, J.