

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3132 OF 2021

3S Integrated Facility Management Private Limited ..Petitioner
v/s.

The Police Inspector Alias Investigating Officer
Economic Office Wing Unit-VII And Ors. ..Respondents

**WITH
INTERIM APPLICATION NO.2328 OF 2021
IN
WRIT PETITION NO.3132 OF 2021**

Dhananjay Raghu Shedge And Anr. ..Applicants
v/s.

The Police Inspector Alias Investigating Officer
Economic Office Wing Unit-VII And Ors. ..Respondents

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Mr. Pratik Sarkar, for the Petitioner.

Mr. Vivek Shukla, i/b. V. Shukla & Associates, for Respondent No.3.

Mr. J.P. Yagnik, APP, for Respondent State.

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**CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.**

DATE : 4 OCTOBER 2021.

P.C:-

Heard learned Counsel for the parties.

2. The Petitioner is aggrieved by the communication under Section 102 of Cr.P.C. dated 23 August 2021, addressed by the Economic Offence Wing to the Additional Chief Metropolitan Magistrate, Mumbai. By this communication, the nine bank accounts of the accused in EOW/79 of 2021 have been frozen.

3. The learned Counsel for the Petitioner submitted that the Economic Offence Wing has no jurisdiction to send such requisition in respect of a private limited company. As regards jurisdiction aspect is concerned, we do not find any pleadings whatsoever to that effect in the petition. This aspect cannot be considered as a pure question of law. The second ground, on which the order of freezing of account is sought to be challenged, is that it is excessive in respect of the properties, which is not the subject matter of offence and though the Petitioner Company is not arrayed as an accused because of the order of attaching the bank account, his business activities have been severely affected. For this grievance the Petitioner has a remedy of approaching the court of the Metropolitan Magistrate where the requisition is made and the fact that the Petitioner is not arrayed as an accused in the case pending before the Metropolitan Magistrate, will not be a legal bar to seek the relief.

4. The learned Counsel for the Petitioner submitted that the activities of the Petitioner Company have virtually come to a stand-still. In view of this submission, while we dispose of the petition giving

the Petitioner liberty to approach the Metropolitan Magistrate, we observe that if an application is made for defreezing, the learned Magistrate, subject to the time constraint and earlier time bound commitment, will consider taking it up for early disposal. The application be decided on its own merits.

5. In view of the disposal of the writ petition, nothing survives in the interim application and the same is disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)