

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3550 OF 2021

Subhashchandra K. Sharma & Anr.

..Petitioners

Versus

The Union of India & Anr.

..Respondents

Mr. Niranjan Mundargi a/w. Omneel Jadhav for Petitioners.

Mr. Hiten Venegaonkar, for Respondent No.1.

Ms. K. V. Saste, APP for State/Respondent No.2.

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

DATE : 07 OCTOBER 2021

P.C. :

. Heard the learned counsel for the parties.

2. This Writ Petition is filed by the Petitioners seeking quashing of the order of provisional attachment dated 31 December 2019 and notice issued for taking the possession dated 01 October 2021 under the Prevention of Money Laundering Act, 2002.

3. The learned counsel for the Respondents takes a preliminary objection that the Petitioners have a remedy of filing an Appeal under the Act of 2002. The learned counsel for the

Petitioners states that the Petitioners are in process of filing an Appeal, however, in view of the notice for possession issued on 01 October 2021, seeking to take immediate possession, the Petitioners have approached this Court as there is no time.

4. The learned counsel for the Respondent No.1 points out that, for following the procedure under the Prevention of Money-Laundering (Taking Possession of Attached or Frozen Properties Confirmed by the Adjudicating Authority) Rules, 2013, in the facts of this case, even though the notice is given on 01 October 2021, around 10 days time from today will be required to take actual physical possession.

5. In the light of the factual position made clear by the learned counsel for the Respondent No.1, as above, it is not necessary for us to entertain this Writ Petition, as we find that the Petitioners have adequate time to approach the Appellate Authority. The Writ Petition is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)