

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPEAL NO. 569 OF 2022
WITH
INTERIM APPLICATION NO. 902 OF 2021**

Geeta Sanjay Mahadik ... Appellant
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Satyajeet P. Dighe for Appellant.
Mr. S.S. Hulke, A.P.P. for Respondent-State.

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.**

DATE : 26th September 2022.

PC. :

1. By the present Appeal, Appellant has impugned Order dated 18th March 2020 passed in Misc. Application No. 974 of 2017 in M.P.I.D. Case No. 24 of 2013 rejecting her application for releasing the attachment/setting aside attachment of property i.e. Room No.11, Mangal Murti Nivas, Sahakari Gruhnirman Sanstha Ltd., Rohidas Nagar, Chandhare, Taluka Alibaug, District Raigad (*for short, "suit property"*) under Section 4 of the The Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (*for short, "M.P.I.D. Act"*) by the Investigating Agency i.e. Respondent No.2.

2. Heard Mr.Dighe, learned Advocate for Appellant and Mr.Hulke, learned A.P.P for State. Perused entire record produced before us.

3. It is the prosecution case that, the suit property was purchased by original accused Mr.Prasad Lad from the crime proceeds of the present crime. He subsequently sold the said property to Mr.Prashant Jain on 7th June 2012. The present crime i.e. C.R. No.67 of 2013 was lodged with Mahim Police Station on 4th February 2013. The suit property was notified at Sr.No.1 in the Notification dated 30th March 2016 by the Competent Authority established under the said provisions. Record indicates that, suit property was sealed on 7th March 2013 and a notice was also pasted on it.

4. As noted earlier, the Notification under Section 4 of the M.P.I.D. Act was published on 30th March 2016. In this premise, it is the case of the Appellant that, she purchased suit property on 15th November 2016 from Mr.Prashant Jain. Admittedly before purchasing the said property, the Appellant did not take necessary legal care i.e. search of the suit property with the Office of the Sub-Registrar of Assurances and/or with other necessary Government Authorities.

5. Learned A.P.P submitted that, the Investigating Agency has also forwarded Notification issued under Section 4 of the M.P.I.D. Act to all the Competent Authorities intimating attachment of the various suit properties in the present crime.

6. According to us for not taking proper care before purchasing of the suit property from Prashant Jain, the Appellant will have to thank herself. It is by operation of law the said property had been attached by Investigating Agency i.e. Competent Authority under the provisions of the M.P.I.D. Act.

7. In view of the above and after perusing the impugned Order dated 18th March 2020, we find that the Trial Court has not committed any error either in law or on facts while passing it. We find no merits in the Appeal.

Appeal is accordingly dismissed.

8. In view of disposal of Appeal, Interim Application No. 902 of 2021 pending therein does not survive and is accordingly disposed off.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2022.10.03
16:39:26
+0530