

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

CRIMINAL WRIT PETITION NO. 2073 OF 2022

Vishvanidhi Dalmia

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. Chetan Kapadia a/w Mr. Chaitanya Pendse and Mr. Gaurav Parkar
for the Petitioner

Mr. Avinash B. Avhad, Spl. P.P. a/w Mrs. M. M. Deshmukh, A.P.P for
the Respondent–State

PI Mr. Kale from the EOW is present

None for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.
TUESDAY, 26th JULY 2022**

P.C. :

1 By this petition, the petitioner seeks the following
substantive relief :

“b) Issue Writ of Mandamus and/or any other appropriate writ, order or direction to the Respondent to attach the properties of accused India Infoline Commodities Limited, its promoters, directors and other brokers under the MPID Act in a time bound manner in CR No. 89 of 2013 investigated by EOW-Mumbai.”

2 Learned counsel for the petitioner submits that pursuant to the liberty granted by this Court (Coram : B.P. Dharmadhikari & Sarang V. Kotwal, JJ.) vide order dated 11th December 2018, to proceed further as per Section 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, the petitioner filed a representation dated 14th December 2018 before the Principal Secretary, Home Department, State of Maharashtra, giving details of the movable and immovable properties of India Infoline Commodities Ltd. (‘IICL’), its promoters and directors and other brokers of National Spot Exchange Ltd. (‘NSEL’). The details of the immovable properties are at Annexure K at page 345 of the petition. He submits that despite the said representation made to the Principal Secretary,

Home Department, no steps have been taken by the respondent authority in attaching the properties of the accused.

3 During the course of arguments, learned counsel for the petitioner has tendered an additional affidavit of the petitioner, stating therein that on 16th July 2022, the petitioner has sent an email to the Investigating Officer as well as a letter to the Chief Investigating Officer, NSEL/SIT, Economic Offences Wing, giving the very same information. The said additional affidavit is taken on record.

4 Mr. Avhad, learned Special Public Prosecutor appearing for the respondent-State, submits that appropriate steps in accordance with law will be taken by the authorities, pursuant to the representation/letter dated 14th December 2018 sent by the petitioner to the Principal Secretary, Home Department. Statement accepted. Mr. Avhad further submits that the Investigating Officer will take into consideration the properties mentioned at Exhibit K and after

verifying, will take the petitioner's representation, to its logical end.

Statement accepted.

5 In view of the aforesaid, nothing survives for further
consideration in the petition. Petition stands disposed of.

6 All concerned to act on the authenticated copy of this
order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.