

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

**INTERIM APPLICATION NO.2490 OF 2022
IN
CRIMINAL WRIT PETITION NO.1360 OF 2006**

Godrej Properties Ltd. & Ors. Applicants

versus

State of Maharashtra & Ors. Respondents

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- Mr. Subodh Desai a/w Ms. Supriya Kak a/w Mr. Yash Momaya a/w Ms. A. Khan a/w Ms. Chandni i/b. Vashi & Vashi, Advocate for Applicants.
- Mr. Amandeep Singh Sra i/b. Shreeram Shirsat, Advocate for Respondent Nos.2 to 6.
- Smt. Veera Shinde, APP for the State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th JULY, 2022

P.C. :

1. This is an application for stay of further proceedings in Criminal Case No.41/SW//2006 pending before the learned Magistrate, 49th Court, Vikhroli, in view of the order dated 30/01/2020 till final disposal of the Writ Petition No.1360 of 2006.

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2. Heard Mr. Subodh Desai, learned counsel for the Applicant.
3. Learned counsel Mr. Amandeep Singh Sra, appearing for Respondent Nos.2 to 6 prays for adjournment as the counsel who was to argue this matter is not available.
4. At his request, today I am adjourning the matter. However, in view of the directions of Hon'ble Supreme Court in case of *Asian Resurfacing of Road Agency Pvt. Ltd and Another Vs. Central Bureau of Investigation, as reported in 2020 SCC OnLine SC 1046*, an order is required to be passed, where the stay is to be continued beyond the period of initial six months.
5. Since today the matter is being adjourned at the behest of the Respondent Nos.2 to 6, I am inclined to extend the stay. For that purpose, I have perused the earlier orders. This Court (Coram : A. M. Badar, J.) vide order dated 30/01/2020 had

granted stay to the proceedings. The Court had observed that there were arbitration proceedings which had concluded between the parties and this Court could look at the material of sterling quality. The dispute giving rise to civil as well as criminal actions arose in respect of the transaction/agreement for development of plot of land. The Respondent No.2 has alleged breach of that agreement and has resorted to filing of criminal complaint for offence u/s 403, 409, 477-A r/w 34 r/w 120-B of the IPC. The Court further observed that the Petitioners were protected for more than 12 years. Considering all these aspects stay was granted till disposal of the Petition.

6. Thereafter this Court (Coram : N. J. Jamadar, J.) again considered the issue of extension of stay and extended it vide order dated 27/04/2022. The stay was further continued by an order dated 12/07/2022 (Coram : A. S. Gadkari, J.) till 26/07/2022.

7. Today the adjournment is sought by Advocate of Respondent Nos.2 to 6 as mentioned earlier. The reasoning

given by this Court was applicable till final disposal of the Writ Petition. Therefore considering the request made for adjournment by Respondent Nos.2 to 6 the stay will be continued till the next date. Learned counsel stated that the trial is fixed for next stage before the learned Magistrate tomorrow i.e. 30/07/2022. In view of this situation, the stay granted vide order dated 30/01/2022 in Interim Application No.2 of 2019 in Criminal Writ Petition No.1360 of 2006 shall continue till next date.

8. Matter be listed for final hearing on 15/09/2022. Interim relief granted vide order dated 30/01/2020 in Interim Application No.2 of 2019 in Criminal Writ Petition No.1360 of 2006 shall continue till then.

9. Application is disposed of.

(SARANG V. KOTWAL, J.)