

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO.985 OF 2021**

Priti Harisingani & Ors.

.....Appellants

Vs.

The Joint Commissioner
Of Police & Ors.

.....Respondents

Mr. Niranjan Mundargi i/by Chaitanya Nikte a/w Ms. Aditi Rajput for the Appellants.

Mr. Ajay Patil APP, for the Respondent-State.

Mr. Yashpal Thakur a/w Adv. Kaustubh Gupte with Mr. Mukund Pandya a/w Ms. Disha Shetty for Respondent Nos.4 and 5.

Advocate Angeline Rodrigues i/by Aditya Mithe for the Respondent Nos.8, 11 and 21.

Mr. Manoj Mohite, Senior Advocate a/w Waseem Pangarkar a/w Abhishek Gupta, Adv. Ravi Mishra, Adv. Mahesh Ahire, Adv. Drushti Sing and Ilsa Shaikh i/by MZM Legal LLP for Respondent Nos.17, 18, 19.

Mr. Prasad Sarvankar for Respondent Nos. 28 and 29.

Mr. Prajit S. Sahane for Respondent Nos. 24 to 27 and 30 to 35.

PI. Vishwasrao, Santracruz Police Station present.

PI. Pawar, EOW, Mumbai.

**CORAM : A. S. GADKARI AND
MILIND N. JADHAV, JJ.
DATE : 30th SEPTEMBER, 2022.**

PC.:-

1) By the present Appeal under Section 11 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short, "*the MPID Act*"), the Appellants, original Complainants have

impugned Order dated 22nd July, 2021 passed in Miscellaneous Application No.839 of 2021 by the learned Additional Sessions Judge (MPID Act), City Civil and Sessions Court, Mumbai rejecting the said Application for direction under Section 156(3) of the Code of Criminal Procedure to investigate into a cognizable offence allegedly committed by the Respondent Nos.3 to 23 under the provisions of Indian Penal Code and under Section 3 of the MPID Act and under Sections 3 and 4 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and other offences as more specifically mentioned in the said Miscellaneous Application.

2) Heard Mr. Mundargi, learned counsel for the Appellants, Mr. Patil learned APP for the Respondent-State, Mr. Thakur learned counsel for the Respondent Nos.4 and 5, learned Advocate Angeline Rodrigues for the Respondent Nos.8, 11 and 21, Mr. Mohite, learned senior counsel for Respondent Nos.17, 18, 19 and Mr. Sarvankar for Respondent Nos.28 and 29.

3) Mr. Patil, learned APP on instructions from Mr. Vishwasrao, PI. Santracruz Police Station and Mr. Pawar, PI., EOW submitted that, the police have registered Crime No.961 of 2022 with Santacruz Police Station on 10th August, 2022 on the basis of first information report lodged by Mr. Vinamra Goyal. That, the said crime has now been transferred to the EOW, Mumbai for investigation. Learned APP further submitted that, the allegations made by the first informant in the said C.R. No.961 of 2022 are

similar to those made by the Appellants herein in their Miscellaneous Application No.839 of 2021. Perusal of record indicates that, there is substance in the submission made by the learned APP

4) In view thereof, this Court is of the considered opinion that, the Appellants herein i.e. the Original Complainants in Miscellaneous Application No.839 of 2021 can be permitted to record their statements under Section 161 of the Code of Criminal Procedure with the Investigating Officer in the said CR No.961 of 2022, now being investigated by EOW, Mumbai. This course of action is adopted to avoid lodgment of multiple crimes from similar facts and also with a view to have a streamlined investigation into the allegations made against the Respondent Nos.3 to 23. The learned counsel for the respective parties have also acceded to this course of action, suggested by Court.

5) It is needless to mention that, the Respondent Nos.17, 18, 19 and 23 herein (Original Accused Nos.15, 16, 17 and 21) are women and in view thereof, if the Investigating Officer of C.R. No.961 of 2022 intends to call the said four Respondents for the purpose of interrogation at Police Station, he is directed to give a notice of at least 48 hours in writing to them. It is needless to mention that, the Investigating Officer of the present crime will follow the provisions of the Criminal Procedure Code while calling Respondent Nos. 17, 18, 19 and 23 for interrogation.

6) In view of the above, the impugned Order dated 22nd July, 2021 passed in Miscellaneous Application No.839 of 2021 is set aside.

Appeal is partly allowed in the aforesaid terms.

(MILIND N. JADHAV, J.)

(A.S. GADKARI, J.)

SANJIV
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MASHALKAR
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