

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL REVISION APPLICATION NO. 121/2021
Sanjay Ramlal Soni...Versus... State of Maharashtra and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Ms. Rukhmini S.Bobde, Advocate a/w Mr. Rohan Chhabra, Advocate for
applicant
Ms.Shamsi Haider, APP for Respondent Nos. 1 and 2

CORAM : AVINASH G. GHAROTE, J.
DATE : 10/01/2022

It is contended by the learned counsel for the applicant that the impugned order is based upon an incorrect premise that the provisions of Sections 4 and 7 of the MPID Act are attracted to the property in question for the reasons that the property, which is a flat belongs to the applicant and the same was given on leave and license to the accused in FIR 464/2020.

A perusal of Sections 4 and 7 of the MPID Act would demonstrate that the attachment is only in relation to a property believed to have been acquired by the financial establishment or the accused out of the deposits collected by the financial establishment. In the instant matter, there is no question of acquiring any property out of the deposits collected, as admittedly the immovable property has been taken on a leave and license basis under the agreement of leave and license dated 24.4.2018 for a period from 1.4.2018 to 31.3.2021. That being the

position, the property in question, which is a Flat No. 202, Second Floor, B-block Corporation House, Utkarsha Alankar Apartment, Civil Lines, Nagpur, would not fall within the ambit and scope of Sections 4 and 7 of the MPID Act.

However, considering that Section 457 of Cr.P.C would not be applicable to immovable property, considering the language used therein, learned counsel for the applicant upon instructions seeks to withdraw the application with liberty to avail the appropriate remedy as available in law.

The statement is accepted.

The application is dismissed as withdrawn with liberty as prayed for.

JUDGE

rvjalit