

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

CRIMINAL APPEAL NO.4 OF 2022

Dr. Ashok Gajanan Lanjewar,
age 71 years, occupation : retired,
r/o C-42, Yashoda Nagar,
Phase-1, Hingna Road, Nagpur.

... Appellant

- Versus -

1) Competent Authority, MPID Act,
Sub-Divisional Officer/
Sub-Divisional Magistrate, Nagpur
City, through the Collector,
Nagpur City, Nagpur.

2) State of Maharashtra, through
Dy. Police Commissioner, Crime
Branch, Economic Offences Wing,
Nagpur.

... Respondents

Shri Tarun Parmar, Advocate for appellant.

Shri I.J. Damle, Additional Public Prosecutor for respondents.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : JUNE 13, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Admit. Heard finally by consent of the learned Counsel
for the parties.

2) We find that the attachment of the properties has already been made absolute in terms of Section 7(4) of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (for short “MPID Act”) and now the appellant has filed an application for directing equal distribution of the assets/money collected from the sale of attached properties.

3) The contention of the learned Counsel for the appellant is that when such an application is filed, it must be decided by the trial Court even without taking say of the accused. Therefore, he submits that the impugned order passed on 8/12/2021 directing issuance of notice to all the accused in three cases is illegal.

4) Shri Damle, learned Additional Public Prosecutor for the respondents, states that there is no prohibition in law to issue such notices to the accused persons, rather it is always better in the interest of justice that even the accused are given an opportunity to make their submissions in the matter, lest the properties, which have been attached, are lost for ever.

5) We find substance in the submissions of the learned Additional Public Prosecutor for the respondents and no merit in the submissions of the learned Counsel for the appellant. There is no provision in the MPID Act, which lays down that whenever an application for equal or proportionate distribution of the sale proceeds of the attached properties is filed, no notice shall be issued to the accused persons and no say of the accused persons shall be

taken. Considering the fact that the trial is pending and rights and liabilities of all the parties are yet to be decided, it is in the fitness of things that even the accused persons are given an opportunity to submit their say in the matter. Therefore, issuance of notice to them by the impugned order cannot be said to be illegal.

6) In the result, we are of the view that there is no merit in the appeal. The appeal stands dismissed.

JUDGE

JUDGE

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