

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

CRIMINAL APPLICATION NO.658 OF 2023

Karvy Realty (India) Limited
and others

..... Applicants

Versus

Sanjay Bhalchandra Dandekar
and another

.... Respondents

.....
WITH

CRIMINAL APPLICATION NO.661 OF 2023

.....
WITH

CRIMINAL APPLICATION NO.663 OF 2023

.....
WITH

CRIMINAL APPLICATION NO.664 OF 2023

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WITH

CRIMINAL APPLICATION NO.665 OF 2023

.....
WITH

CRIMINAL APPLICATION NO.672 OF 2023

.....
WITH

CRIMINAL APPLICATION NO.674 OF 2023

.....
WITH

CRIMINAL APPLICATION NO.676 OF 2023

.....
WITH

CRIMINAL APPLICATION NO.678 OF 2023

Mr. Niranjana Mundargi, Advocate a/w. Mr. Kersi Dastoor, Ms. Keral Mehta, for the Applicants in APL/658/2023.

Mr. Kersi Dastoor, Advocate for the Applicants in APL Nos.663/2023, 661/2023, 664/2023, 678/2023, 674/2023, 676/2023, 665/2023 and 672/2023.

Mr. Anand Vadgaonkar, Advocate for the Respondent No.1.

Mr. Arfan Sait, APP for the Respondent No.2-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 04th NOVEMBER, 2023

PC. :

1. In all these matters, the notice was issued to the Respondent No.1 who was the original complainant. The main issue raised by the Applicants was that the inquiry under section 202 of Cr.P.C. was not conducted.

2. Learned counsel for the Respondent No.1 submitted that the Applicants had an alternate remedy of approaching the Court of Session raising all the issues, including the issue of necessity of inquiry under Section 202 of Cr.P.C..

3. On this submission of learned counsel for the Respondent No.1, learned counsel for the Applicants sought permission to withdraw these Applications to approach the Court of Session by filing Revision Applications. His request is that all contentions raised in these Applications be left open, including the question of necessity of inquiry under Section 202 of Cr.P.C. He submitted that in regard to the question of limitation, the Revisional Court be directed to take into consideration the fact that the present Applications were being

pursued by the Applicants before this Court. He further submitted that since the Applicants were protected by an ad-interim relief vide earlier order which was in operation since 5.7.2023, they be protected for a reasonable period to enable them to file the Revision Applications. Learned counsel for the Respondent No.1 has no objection for this course of action.

4. Considering these submissions, the following order is passed :

:: O R D E R ::

- i. The Applications are allowed to be withdrawn.
- ii. The Applicants are at liberty to prefer appropriate Criminal Revision Applications before the Court of Session at Sangli.
- iii. If the question of limitation is raised, the Revisional Court shall take into consideration the fact that the Applicants were pursuing the remedy of these Applications before this Court.
- iv. The Revision Applications as well as the application for condonation of delay shall be decided on their own merits in accordance with law.

- v. It is made clear that all the questions raised by the Applicants are specifically left open. This Court has not expressed any opinion on the merits of the questions raised by both the parties.
- vi. The ad-interim relief, granted vide order dated 5.7.2023, shall continue for a period of four weeks from today to enable the Applicants to file appropriate Criminal Revision Applications before the Court of Session at Sangli.
- vii. With these observations, the Applications are disposed of as withdrawn.

(SARANG V. KOTWAL, J.)