

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

**CRIMINAL APPEAL NO. 1615 OF 2023
WITH
INTERIM APPLICATION NO. 503 OF 2023**

Deputy Director,
Directorate of Enforcement

.Appellant

Vs.

Nirav Deepak Modi & Ors.

.Respondents

Mr. Aayush Kedia h/f. Mr. H. S. Venegavkar for the Appellant.
Mr. Lalan Gupta a/w. Mr. Aditya Malhotra and Mr. Anuj Loya i/b.
Shardul Amarchand Mangaldas & Co. for Respondent No.2.
Mr. Manavendra Mishra, Mr. Sankalp Sharma, Mr. Palash
Bhatkoti, Mr. Pranjal Agarwal i/b. Khaitan & Co for Respondent
No.3 (PPC).
Ms. M. H. Mhatre, APP for the State.

**CORAM : SUNIL B. SHUKRE AND
KAMAL KHATA, JJ.**

DATE : 23 MARCH, 2023

P. C.

. Heard the learned counsel for the Applicant and
learned counsel for the Respondents respectively. Respondent
No.1-Nirav Deepak Modi having been already declared a Fugitive
Economic Offender under Section 12(1) of the Fugitive Economic
Offenders Act, 2018, by an order of the Special Judge, passed on
5th December, 2019, in the proceedings, being Criminal Misc.
Application No. 998 of 2018 in respect of all his assets. It then

follows that he is now only a formal party having no rights whatsoever in respect of all those assets and properties and therefore, there is no need to issue him a notice.

2. The reasons stated in the Application, in our opinion, Criminal Interim Application No. 503 of 2023, disclose sufficient cause and therefore, the Application deserves to be allowed.

3. Application is allowed.

4. Delay is condoned. Appeal be registered.

5. Issue notice for final disposal at admission stage to the Respondents.

6. Learned APP waives service of notice for the Respondent-State. Mr. Manavendra Mishra, learned counsel waives service of notice for Respondent No.3-PPC. Mr. Lalan Gupta, learned counsel waives notice for Respondent No.2.

7. Stand over to 13th April, 2023.

(KAMAL KHATA J.)

(SUNIL B. SHUKRE, J.)