

VRJ

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

CRIMINAL APPLICATION NO.162 OF 2023

Zehra Rasheed Maskati & Ors. ... Applicants
V/s.
Parasrampur Plantations Ltd., & Anr. ... Respondents

Mr. Saeed A. Khan i/by H & M Legal Associates for the Applicants.

Mr. Prashant Parsuram Puria for the respondent No.1.

Mr. A.R. Patil, APP for the respondent No.2/State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 10, 2023

P.C.:

1. The applicants have filed present application seeking release of their lands from the effect of order dated 7th December 2006, passed by the learned Sessions Judge, Mumbai in Miscellaneous Application No.106 of 2006 in Special Case No.16 of 2005. Essentially the applicant is seeking modification of order dated 7th December 2006 so as to exclude/seeking appropriate reliefs regarding attachment of applicants' lands.

2. In paragraph 7 of the present application, it has been stated that the applicants have already filed Miscellaneous Application Nos.1128 of 2020, 1129 of 2020 and 1130 of 2020 in Special Case No.16 of 2005. It is stated that this Court in Writ Petition No.310

of 2007 by order dated 17th July 2007, directed similarly placed persons to approach this Court for appropriate relief. In view of said direction the application has been filed.

3. It is undisputed that order dated 17th July 2007 is interim order in Criminal Writ Petition No.310 of 2007. This Court by order dated 11th December 2007 has disposed of the Criminal Writ Petition No.310 of 2007. The effect of disposing of main petition is that the interim orders passed in the petition ceased to exist.

4. Therefore, appropriate remedy of the applicants is to prosecute the pending Miscellaneous Application Nos.1128 of 2020, 1129 of 2020 and 1130 of 2020 before the Special MPID Court in Special Case No.16 of 2005.

5. The criminal application is, therefore, disposed of by granting opportunity to the applicants to proceed with Miscellaneous Application Nos.1128 of 2020, 1129 of 2020 and 1130 of 2020 in Special Case No.16 of 2005 before the learned Special MPID Court.

6. Parties shall appear before the learned Special Court on 15th March 2023. The learned Special Judge shall decide Miscellaneous Application Nos.1128 of 2020, 1129 of 2020 and 1130 of 2020 within four weeks from the date of appearance of the parties.

7. The criminal application is disposed of with aforesaid direction. No costs.

(AMIT BORKAR, J.)