

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

***WRIT PETITION NO. 1374 OF 2022
With
Interim Application No.1388 of 2022***

Amit Avinash Bhosale ... Petitioner
v/s.
Office of Enforcement Directorate
& ors. ... Respondents

***With
WRIT PETITION NO. 1373 OF 2022
With
Interim Application No.1389 of 2022***

Avinash Bhosale ... Petitioner
v/s.
Office of Enforcement Directorate
& ors. ... Respondents

***With
WRIT PETITION NO. 1409 OF 2022***

Ravindra Shinde ... Petitioner
v/s.
Office of Enforcement Directorate
& ors. ... Respondents

***With
WRIT PETITION NO. 1410 OF 2022***

Ranjit Mohite ... Petitioner
v/s.

Office of Enforcement Directorate
& ors.

... Respondents

Mr Shirish Gupte, Sr. Advocate a/w. Mr Abinash Pradhan a/w Ms. Garima Agrawal a/s/ Ms Gayatri Deshmukh i/b. Wadia Gandhi & co. for petitioner in wp 1374/2022 and applicant in IA No. 1388/22.

Mr. Mihir Gheewala i/b. Mr Abinash Pradhan a/w. Ms Garima Agrawal a/w. Ms Gayatri Deshmukh i/b. Wadia Ghandy & co. for petitioner in wp 1373/2022 and applicant in IA 1389/2022.

Mr Ashok P Mundargi, Sr. Advocate a/w. Ms Supriya Kak for petitioner in wp 1409/2022.

Mr Mihir Gheewala i/b Mr Aditya Mehta for petitioner in wp 1410/2022.

Mr Hiten Venegavkar a/w. Ms Harsh Dedhia for respondent No.1/ED.

***CORAM : G.S. KULKARNI &
R.N.LADDHA, JJ.***

DATE : 2nd May 2023

P.C.:

These petitions have been filed by the petitioners praying for following reliefs:

Prayers in WP No. 1373/2022 & W.P. No.1374/2022 (are similar) which reads thus:-

a) this Hon'ble Court be pleased to issue a writ of mandamus, or a writ in the nature of mandamus or any other order or direction under Article 226 of the

Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 thereby directing Respondent No. 1 to furnish the details of the Impugned Notice issued by Respondent No. 1 against the Petitioner;

b) This Hon'ble Court be pleased to issue writ of certiorari or a writ in the nature of certiorari or any other appropriate writ or direction under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 calling for the records and proceedings of the Impugned Notice issued by Respondent No. 1 against the Petitioner and after examining the legality, validity and propriety thereof, quash and set aside the same;

c) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the effect and operation of the Impugned Notice issued by Respondent No. 1 against the Petitioner;

d) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to allow the Petitioner to travel outside India, on such terms and conditions as this Hon' ble Court may deem fit.

e) Ad-interim reliefs in terms of prayer clause (c) and (d) above;

f) For cost of the Writ Petition;

g) Pass any other necessary and appropriate orders and direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of

justice.”

Prayers in WP No. 1409/2022

- a) this Hon'ble Court be pleased to issue a writ of mandamus, or a writ in the nature of mandamus or any other order or direction under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 directing Respondent No. 1 to produce the details of the Impugned LOC Notice issued by Respondent No. 1 against the Petitioner;
- b) This Hon'ble Court be pleased to issue writ of certiorari or a writ in the nature of certiorari or any other appropriate writ or direction under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 calling for the records and proceedings of the Impugned LOC Notice issued by Respondent No. 1 against the Petitioner and after examining the legality, validity and propriety thereof, quash and set aside the same;
- c) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the effect and operation of the Impugned LOC Notice issued by Respondent No. 1;
- d) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to pass necessary order and directions against Respondents to not act upon or take any action whatsoever in relation to the Impugned LOC Notice;

e) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to allow the Petitioner to travel outside India, on such terms and conditions as this Hon' ble Court may deem fit.

f) Ad-interim reliefs in terms of prayer clause (c) to (e) above;

g) For cost of the Writ Petition;

h) Pass any other necessary and appropriate orders and direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”

Prayers in WP No. 1410/2022

“a) this Hon'ble Court be pleased to issue a writ of mandamus, or a writ in the nature of mandamus or any other order or direction under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 thereby directing Respondent No. 1 to furnish the details of the Impugned Notice issued by Respondent No. 1 against the Petitioner;

b) This Hon'ble Court be pleased to issue writ of certiorari or a writ in the nature of certiorari or any other appropriate writ or direction under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 calling for the records and proceedings of the Impugned Notice issued by Respondent No. 1 against the Petitioner and after examining the legality, validity and propriety thereof,

quash and set aside the same;

c) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the effect and operation of the Impugned Notice issued by Respondent No. 1 against the Petitioner;

d) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to allow the Petitioner to travel outside India, on such terms and conditions as this Hon' ble Court may deem fit.

d1) The Applicant have not filed any other Application in this Hon'ble Court or Supreme Court of India.

e) Ad-interim reliefs in terms of prayer clause (c) and (d) above;

f) For cost of the Writ Petition;

g) Pass any other necessary and appropriate orders and direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”

2. Out of these petitions, the petitioner in WP No.1373/2022 Shri Avinash Bhosale who was aggrieved by the impugned Look Out Notice was not arrayed as an accused in the complaint as filed by the respondent No.1- Enforcement Directorate. As fairly pointed out by Mr. Venegavkar, learned Counsel for the respondent No.1, insofar as the subject matter of the present proceedings is concerned, the said

Look Out Notice shall not operate qua Shri. Avinash Bhosale, however, subject to the authority of the respondents, to issue a Look Out Notice as and when necessary and/or in respect of any other proceedings. We accept such statement of Mr. Venegavkar. In view of such statement of Mr. Venegavkar further adjudication of this petition (WP No.1373/2022) is not called for. It is accordingly disposed of.

3. Insofar as petitioners in Writ Petition No.1374/2022, WP No.1409/2022 and WP No. 1410/2022 are concerned, learned Senior Advocates appearing for the petitioners have brought to the notice of the Court two orders; firstly, order dated 16 December 2022 and secondly order dated 12 April 2023 passed by the learned Designated Special Court under PML Act, 2022 Greater Bombay, on the applications filed by these petitioners under Section 227 read with Section 239 of the Cr.P.C. praying for discharge in the proceedings in PMLA (Special Case) No. 906/2022. Such order dated 16 December 2022 is passed on applications filed below Exhibit 14, 18, 19 and 20. The second order dated 12 April 2023 is passed below Exhibit 35 in the said PMLA case. By both the orders, the applications as filed by the petitioners have been allowed. The operative part of the order dt. 16 December 2022 and order dt. 12 April 2023 are required to be noted which read thus:

Order dated 16 December 2022

“ Applications Exh. 14,19 and 20 are allowed.

The application Exhibit 18 is partly allowed to the extent of accused No.2,4 and 5 and continues against accused No.3.

Amit Avinash Bhosale (A2), Ravindra Dhondiram Shinde (A4) and Mrs Ramsita Bhuvaneshwari (A5) for themselves and to their extent in respect of Ara Properties (A1) are discharged.

PMLA Special Case No.906/2022 shall continue against accused No.3 Ranjit Mohite for himself and Ara Properties (A1) to his extent, if any. Hence, prayer (b) in application Exh. 18 to the extent of Ara Property (A1) cannot be considered at the moment.”

Order dated April 12 2023

“1. Application (Exh.35) is allowed.

2. Applicant Mr Ranjit Mohite (A3) for himself and Ara Properties (A1) are discharged.

3. PMLA Special Case No.906/2022 is disposed off finally as per order dt. 16.12.2022 below Exhs. 14,18,19 and 20 as well as this order below Exh. 35.

4. As all accused persons and companies associated with them have been discharged, Record and Proceedings of this case be sent to the Record Department for preserving the same till further orders.”

4. It is thus clear that the petitioners Shri. Amit Avinash Bhosale, Shri. Ravindra Shinde and Shri. Ranjit Mohite stand discharged from the proceedings of PML Act (Special Case) No. 906/2022. It is also observed in the order dated 12 April 2023 that all accused persons and company associated with them have been discharged.

5. In this view of the matter, as rightly contended by Mr.Venegavkar, only insofar as the proceedings of the PMLA (Special Case) No. 906/2022 is concerned, the Look Out Notice issued to the petitioners ought not to operate. This would however be subject to any other orders passed in any revision or appeal arising out of such orders passed by the learned Special Judge in the proceedings of PMLA (Special Case) No.906/2022. All contentions of the parties in that regard are expressly kept open.

6. In the aforesaid circumstances, these petitions do not call for any further adjudication. They stand disposed of in the above terms.

7. Interim applications, if any, would not survive. They stand disposed of.

R.N. LADDHA, J.

G.S. KULKARNI, J.