

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2782 OF 2023**

Sujata Suryaji Jadhav

.....Petitioner

Vs.

Directorate Of Enforcement & Anr.

.....Respondents

Mr. Swapnil Ambare i/by Adv. Prasanna Patil for the Petitioner.

Mr. D.P. Singh for the Respondent No.1.

Mr. S.S. Hulke APP, for the Respondent No.2-State.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 11th AUGUST, 2023.****P.C.:-**

1) Petitioner, wife of accused No.3 in PMLA case instituted by Respondent No.1 has impugned Eviction Notice dated 26th July 2023 in Provisional Attachment Order (PAO) No. 01/2023 dated 10th February 2023 (in ECIR/MBZO-II/03/2020) issued by the Deputy Director of Enforcement, Mumbai, Zonal Office-II.

2) At the outset, learned Advocate appearing for Respondent No.1 raised a preliminary objection and submitted that, against the impugned Order dated 19th July 2023 passed under Section 5 r/w 8 of The Prevention of Money Laundering Act, 2002 (*for short, "PMLA Act"*) a substantive Appeal under Section 26 of the said Act is provided. That, without availing the said alternate remedy, the Petitioner has directly approached this Court

impugning the Eviction Notice, which is issued in furtherance of Order dated 19th July, 2023 and therefore present Petition is not maintainable.

3) Learned Advocate for the Petitioner on instructions submitted that, as a matter of fact the husband of the Petitioner is behind bars for last more than 3 years. That, the Petitioner has not been served with Order dated 19th July 2023 passed by the Respondent No.1 and she has received Notice dated 26th July, 2023 which is impugned herein, on 4th August, 2023. He submitted that, limitation of 45 days to file a substantive Appeal under Section 26 of PMLA Act would therefore start from 4th August, 2023 and the said limitation will be upto 18th September, 2023.

4) Learned Advocate for the Respondent No.1 fairly conceded to the said fact to that extent.

5) In view thereof by relegating the Petitioner to adopt the alternate remedy of filing substantive Appeal under Section 26 of PMLA Act before the Appellate Authority, Petition is disposed off.

6) Respondent No.2 is directed not to take coercive steps in pursuance of Eviction Notice dated 26th July 2023 till 18th September 2023.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

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