

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3385 OF 2022
IN
CRIMINAL APPEAL NO. 988 OF 2022

Kripa Sagar Das & Anr. .. Applicants
Versus
Central Bureau of Investigation & .. Respondents
Anr.

...

Ms. Varsha Gangawane i/b KLS Legal for the applicants.
Mr. Bharat Mirchandani h/f H.S Venegavkar for CBI.
Ms. P.N. Dabholkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 15th MARCH 2023

P.C:-

Criminal Appeal No. 988 of 2022

- 1 Appeal admit.
- 2 Call for record and proceedings.

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2 By judgment and order dated 2/08/2022 passed by Special Judge, CBI in Special Case No. 61 of 2012, the appellants were convicted for the offence punishable under Prevention of Corruption Act, 1988 and they were sentenced.

Along with the conviction and imposition of the

sentence, the Special Judge also directed that the properties in the nature of the disproportionate assets to the tune of Rs. 35,96,644/- be forfeited to the State government under Section 452 of Cr.P.C read with Section 16 of the Prevention of Corruption Act.

3 Being aggrieved by the said judgment, the appellants have filed the present appeal.

An application was also moved pending the appeal for suspension of sentence and releasing them on bail. This application came to be allowed on 21/09/2022 by specifically recording that the applicants were on bail during trial and they have not misused the liberty. The appeal is yet to be admitted.

4 By the present application, the applicants seek stay to the direction no.3 in judgment of the Special Judge dated 2/08/2022, by submitting that there is every chance that the Appeal may succeed and since the property involved which is directed to be forfeited is a residential flat, house-hold items, jewellery etc, if the same is forfeited to the State Government, it would be difficult to regain the said properties back.

The learned counsel for the CBI specifically make a statement that at present the property is in the custody of CBI.

5 Considering the fate of the appeal, and since the property, which is described as disproportionate Asset cover movable and immovable assets of the appellants, I deem it

appropriate to grant stay to the direction issued by the Court to forfeit the said property, during pendency of the appeal. Needless to state that the property shall continue to remain in the possession of the CBI till the final orders are passed about its disposal.

6 Interim Application disposed off.

(SMT. BHARATI DANGRE, J.)