

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

CRIMINAL APPLICATION NO.1580 OF 2019

Nirav ModiApplicant
Versus
1. The State of Maharashtra, &
2. Enforcement Directorate, Mumbai Respondents

Mr. Vijay Aggarwal, Advocate a/w. Rahul Agarwal, Yash Agrawal, Abhiraj Rai, Jasmin Purani, Sajid Sayed, Yashwardhan Tiwari, Yash Awalkanthe, for the Applicant.

Mr. A.R. Patil, APP for the Respondent No.1-State.

Mr. H.S. Venegavkar, SPP, a/w. Kamar Ali Shaikh, Harsh Dedhia, Manoj Sabale, Priya Dubey, Diksha Ramnani, for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th OCTOBER, 2023

P.C. :

1. The Applicant has preferred this Application with the main prayer as follows :

“(a) Pass necessary orders and direction thereby setting aside the impugned order dated 19.10.2019 passed by the Ld. Special PMLA Court;”

2. The said impugned order was passed by the learned Special Judge under PMLA on 19.10.2019 below Exhibit-49 in Special Criminal M.A. No.998/2018.

3. Said Application at Exhibit-49 in those proceedings was preferred by the Applicant with following prayer :

“(a) Pass necessary orders and directions thereby directing the prosecution to comply with the provisions of the Indian Evidence Act, 1872 and allow the applicant to place on record objections on the affidavit and the exhibits relied upon by the prosecution or in the alternative pass an order that the affidavit and exhibits will not be considered while deciding the application under Section 4 of the FEO Act, 2018;”

4. Learned Judge passed the following order on Exhibit-49:

“Order

The Ld. Advocate for the non-applicant-Nirav Modi submitted to decide this application first before proceeding with the main matter as to declaration of non-applicant as per order dated 31.01.2019. The Ld. PP submitted that as the arguments by way of final hearing are going on, on the said main matter, this application may be decided along with the main application which is being so heard and is at the stage of completion.

The Ld. Advocate for the non-applicant has already made his submissions on the last dates in his arguments regarding the affidavit and the documents filed with it in support of the main application. As the matter as to the declaration is in the process of

completion of the final hearing, considering the nature of the application and the objections already argued during hearing, it be kept for decision alongwith main application for declaration of the respondent as F.E.O.

Heard final arguments of Ld. Adv. Shri Vijay Aggrawal for respondent at length, who completed his side today.

Therefore, now the matter be kept for rejoinder arguments by the SPP for E.D. on 05.11.2019.

Matter adjd. To 05.11.2019 for hearing on main application Exh.43 and Exhibits-45 to 47 and Exh.49.”

5. Both learned counsel today submitted before the Court that the main matter i.e. Special Criminal M.A. No.998/2018 as well as Exhibit-49 are already decided. Learned SPP states that, therefore, nothing survives in this Application. It has become infructuous.

6. Considering this situation, Criminal Application is disposed of as having rendered infructuous.

(SARANG V. KOTWAL, J.)

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