



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 237 OF 2023

Raju s/o Mahadeorao Chikte, aged
about 48 years, Occ. Agriculturist, R/o
Plot No.1, Anmol Nagar, Wathora Ring
Road, Nagpur, Tq. And Distt. Nagpur
(MS) .

... PETITIONER

VERSUS

1. State of Maharashtra, through
Commissioner of Police, Nagpur city,
Civil Lines, Nagpur.
2. Police Inspector, Crime Branch,
Nagpur City, Civil Lines, Nagpur.
3. Joint Sub Registrar, Office of Sub-
Registrar, Nagpur Rural-7, Nagpur.

... RESPONDENTS

Shri Firdos Mirza, Advocate for the petitioner.
Ms. Tripathi, Addl.PP for the State.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED : 26.10.2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

RULE. Rule made returnable forthwith.

2. The petitioner herein has challenged the action of the Investigating Officer of issuing certain directions to the Sub-registrar vide communication dated 21.09.2022. In pursuance of crime registered under the Indian Penal Code and the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 ('the MPID Act'), the investigation has commenced. During said investigation, the Police have issued the impugned communication in terms of Section 91 of the Code of Criminal Procedure (the Code) requiring Sub-Registrar to furnish certain information regarding immovable property of which the petitioner is the joint owner. It is the contention of the petitioner that the provision of Section 91 of the Code does not empower the Investigating Officer to restrain the Sub-Registrar from registering sale transaction of the subject property.

3. In short, it is the submission that the Police cannot seize the immovable property by invoking Section 91 of the Code. He would submit that Section 4 of the MPID Act, has to be resorted by the Government through the notification.

4. Learned Addl.PP. Shri Doifode would submit that the impugned communication is only to the extent of giving intimation to the Sub-Registrar about pendency of investigation. In view of such a

statement, we hereby clarify that the portion of the impugned communication stating that there shall be no sale-purchase of said property is uncalled for and set aside. Such a portion of the communication is *non est*.

5. The petition stands disposed of accordingly.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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