

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

CRIMINAL WRIT PETITION NO. 332/2022.

Praveen Inder Balany.

-VERSUS-

State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Ms M. Kotecha, Advocate h/f. Shri M. Anilkumar, Advocate
for the Petitioner.
Shri N.R. Rode, A.P.P. for Respondents.

CORAM : VINAY JOSHI AND

VALMIKI SA MENEZES, JJ.

DATE : JULY 20, 2023.

Heard.

2. Petitioner's property namely shop block Nos.6 and 7 have been seized by the police in connection with Crime No.206/2018 registered with Police Station Sitabuldi, Nagpur for the offence punishable under Sections 406, 419, 420 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors [in Financial Establishments]

Act, 1999. The offence is registered against two accused. Petitioner is nowhere concerned with the said offence, however, as the subject property was leased to the accused, it is stated to be seized.

3. The petitioner has applied to the Special Court for de-sealing of the property in terms of Section 451 of the Code of Criminal Procedure vide application dated 27.09.2021. It is the grievance of the petitioner that till date the said application has not been decided by the Special Court.

4. In this regard we have called for the status report from the Special Court, which we did receive. The Special Court has communicated that the arguments from the side of the petitioner are over on said application, however, accused no.1 has not filed any reply, as well as the then learned Prosecutor is causing delay by not arguing the matter.

5. In view of above, we direct the Trial Court that if the accused is not filing reply, pass necessary orders and proceed further. The

concerned prosecutor is also directed to make final submissions on the application on which the trial Court shall decide the same in accordance with law. The said exercise shall be completed within a period of one month from today. Registrar [Judicial] to inform this order to the concern.

6. Criminal Writ Petition is accordingly disposed of.

JUDGE

JUDGE