

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 841 OF 2024**

Achyutananda Zaguprasad Rai ...Petitioner
Versus
State Of Maharashtra And Ors. ..Respondents

Mr. Agastya Desai a/w Mithilesh Mishra, Nishi Singhvi, for the
Petitioners.

Mr. Omar Khaiyam Shaikh i/b Vikas Salvi and Associates for
Respondent Nos. 4 and 5.

Ms. Rutuja Ambekar, APP for the Respondent-State.
PSI Balaji Kadam, Antop Hill Police Station, present.

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**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**
DATE : 23rd APRIL, 2024.

P.C.:

1. Not on board. Taken on Board.
2. The Limited prayers sought in this Petition is to merge the proceedings arising out of the First Information Report (For short FIR) bearing C.R. No. 84 of 2023 dated 10th April 2024 registered with Antop Hill Police Station, Mumbai for the offences punishable under Sections 420 and 506 r/w 120-B of the Indian Penal Code (for short "IPC") and Section 3,5,8 and 13 of the Maharashtra Protection of Interest of Depositors Act (For short 'MPID Act') with the FIR bearing C.R. No. 1096 of 2022 registered with Pelhar Police Station, Nallasopara for the offences punishable under sections 420, 506, 409, 34, 120B of the IPC and sections 3,5,8 and 13 of the

MPID Act.

3. The proceedings arising out of C.R. No. 84 of 2023 are pending in the Special Court constituted under the MPID Act and numbered as MPID Special Case No. 1646 of 2023, at Mumbai, whereas the proceedings arising out of C.R. No. 1096 of 22 registered with Pelhar Police Station, Nallasopara are pending in the Court at Vasai vide Special Case No. 87 of 2023.

4. It is not disputed that the grievance of the complainant and the witnesses in both these cases is common.

5. Learned APP submitted that in the case pending in the Court at Vasai, there are about 90 investors but 19 have approached the investigating officer and their statements are recorded which forms part of chargesheet, whereas in the case which is pending in the Special Court at Mumbai there are about 2800 aggrieved persons and the Investigating Officer has recorded statements of 24 witnesses.

6. In light of the factual aspects of this case and since both the cases are arising out of the offences committed by the same accused, the proceedings pending in the Court at Vasai can be

transferred to the Special Court at Mumbai.

ORDER

- (i) The proceedings in MPID Special Case No. 87 of 2023 pending before the Special Court at Vasai be transferred to the Special Court at Mumbai and clubbed along with MPID Special Case No. 1646 of 2023.
- (ii) The Writ Petition is disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)