

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

CRIMINAL WRIT PETITION NO.1975 OF 2023

Dr.Akhtar Hasan Rizvi

.... Petitioner

Versus

The State of Maharashtra and Anr.

.... Respondents

***ALONGWITH
INTERIM APPLICATION (STAMP) NO.14224 OF 2023
ALONGWITH
INTERIM APPLICATION NO.2570 OF 2023
ALONGWITH
INTERIM APPLICATION NO.3211 OF 2023
IN
WRIT PETITION NO.1975 OF 2023***

.....

Mr.Rajiv Chavan, Senior Advocate a/w. Mr.Mahesh Mishra i/b.
Ms.Priyanka B. Chavan, Advocate for the Petitioner.

Mrs. P.P. Shinde, APP for Respondent No.1 – State.

Mr.D.P. Singh, Advocate for Respondent No.2.

PI Babaram Shinde, Unit 5 EOW, Mumbai, present.

.....

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATED : 4th APRIL 2024.

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P.C. :

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At the outset, learned counsel for the Petitioner seeks

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leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith, during the course of the day.

2 The Petitioner, by this Petition preferred under Article 226 of the Constitution of India seeks quashing of the LOC issued against him at the behest of the Respondent No.1–EOW, in connection with C.R.No.786 of 2022, registered with Vakola Police Station, Mumbai, and subsequently transferred to EOW and re-numbered as C.R.No.121 of 2022 with the EOW Unit 5, Mumbai. The Petitioner seeks quashing of the LOC issued against him at the behest of the Respondent No.1–EOW.

3 Perused the Petition. The Petitioner, aged 81 years is the director of M/s.Rizvi land Developments Private Limited, Mumbai. An FIR being C.R.No.786 of 2022 was registered with Vakola Police Station, Mumbai, as against the Petitioner and others on 28th June, 2022 alleging offences punishable under Sections 409 and 420 read with 34 of Indian Penal Code (IPC), and under Sections 3, 4, 8 and 13 of The Maharashtra Ownership of Flats (Regulation of the Promotion, Construction, Sale, Management and

Transfer) *Act*, 1963 (“MOFA”). The investigation in the said C.R. was subsequently transferred to the EOW Unit 5, Mumbai, and the C.R. was re-registered as CR.No.121 of 2022.

4 It appears that an LOC was issued at the behest of the Respondent No.1–EOW, Unit 5, Mumbai, as against the Petitioner on 4th August, 2022. It is not in dispute that the Petitioner was permitted to travel on several occasions, pursuant to the various orders passed by this Court, in as much as, the LOC was suspended during the said period of travel. It is not in dispute that the Respondent No.1 i.e. the EOW Unit 5, Mumbai, has filed charge–sheet in the said case on 16th October 2023. Apart from the aforesaid C.R., admittedly there is no other case registered as against the Petitioner.

5 Learned APP, on instructions of PI Babaram Shinde, Unit 5 EOW, Mumbai, submits that since charge–sheet has been filed, the Respondent No.1 i.e. EOW Unit 5, Mumbai, has no objection to the quashing of the LOC issued at their behest, as against the Petitioner.

5 In view of the aforesaid statement made by the learned APP on instructions, the LOC issued against the Petitioner at the behest of Respondent No.1–EOW Unit 5, is quashed.

6 The Respondent No.1 i.e. officer of the EOW, Unit 5, Mumbai, to forthwith communicate the quashing of the LOC to the Immigration Authority forthwith, and in any event, within 48 hours of the orders being uploaded.

7 The Writ Petition is allowed and stands disposed of accordingly.

8 In view of the disposal of the Writ Petition, all Interim Applications also stand disposed of accordingly.

9 All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE J.