



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2520 OF 2023

Dimple Marmik Shah

... Petitioner.

Versus

Marmik Uday Shah and Ors.

... Respondents.

Mr. Ajit Savagave, for the Petitioner.

Mr. Krishna Shah i/by Rajan Yadav, for the Respondent No.1.

Ms. Mahek Jain i/by Karan Jain and Co. for Respondent No.2.

Ms. Shilpa Gajare, APP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : April 3, 2024.

P. C. :

1. By this Petition, exception was taken to the order dated 4th January, 2023 passed by the Metropolitan Magistrate rejecting the application filed by the Petitioner seeking dismissal of the affidavit filed by the Power of Attorney Holder of Respondent No.1 and for direction to the Respondent No.1 to file the affidavit of disclosure of assets and liabilities personally in accordance with the mandate of the Apex Court in the case of ***Rajnesh vs. Neha and Anr.***, reported in **2021 (2) SCC 324**.

2. During the hearing of the petition, a query was posed by this Court as to whether the Respondent No.1 is ready to file his personal

affidavit of disclosure of assets and liabilities. Today, this Court is informed that as the Respondent No.1 is in India and his affidavit of disclosure of assets and liabilities will be filed before the Metropolitan Magistrate. In view thereof, nothing survives for further consideration and as such, the impugned order dated 4th January, 2023 is quashed and set aside.

3. The Respondent No.1 is directed to file his affidavit of disclosure of assets and liabilities personally before the Metropolitan Magistrate. After the affidavit is filed, the Metropolitan Magistrate to decide the application in accordance with the law.

4. Writ Petition stands disposed of in the above terms.

[Sharmila U. Deshmukh, J.]