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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3479 OF 2023

Abid Ahmed Shaikh & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Vivek Salunke for the Petitioners.

Mrs.P.P.Shinde, A.P.P for the Respondent-State.

API Shweta Belhekar, EOW, Pune City, present.

CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
DATE : 10th APRIL, 2024

P.C. :

1. By this petition, the petitioner seeks the following substantive reliefs;

“(B) This Writ Petition may kindly be allowed; By an order of this Hon'ble Court in the nature of writ or any other appropriate order or direction, kindly direct the Respondent No.1 to issue Notification as per the provisions of Section 4 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 for

attachment of the properties seized in C.R. 283/2016 at Kondhwa Police Station, Pune for the offences punishable u/s 406, 420, 120B of The Indian Penal Code and Sections 3 and 4 of The Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

(C) By an order of this Hon'ble Court in the nature of writ or any other appropriate order or direction, kindly further direct the Respondent No.2 and 3 or any other authority which would be appointed as "Competent Authority" for expediting the process of Auction and disbursement of money to petitioners in accordance with law."

2. After filing of the aforesaid petition, the State Government appointed the Competent Authority as contemplated under the MPID Act on 22nd February, 2024 and also issued an order of attachment of the immovable properties and Bank Accounts dated 22nd February, 2024.

3. In the said order dated 22nd February, 2024, the details of the immovable property as well as the Bank Accounts have been set out.

4. Today, learned APP has tendered an affidavit of Sanjay

Asawale, Sub-Divisional Officer i.e. the Competent Authority, sub-Division Haveli, Dist.Pune, dated 27th February, 2024. The said affidavit-in-reply is taken on record.

5. Thus, as far as prayer clause (B) is concerned, the same stands worked out.

6. As far as prayer clause (C) is concerned, learned APP, on instructions states that the Competent Authority will take appropriate steps before the learned Special Judge, to make the said attachment absolute and thereafter, will take appropriate steps for auctioning of the said properties. Statement accepted.

7. In view of the aforesaid, nothing survives for further consideration in the aforesaid petition.

8. The petition stands disposed of accordingly.

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

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.