

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

CRIMINAL WRIT PETITION NO. 4465 OF 2022

Milind Balaso Gadhave
Aged 36 years, Occu: Business,
R/o. Behind Bharati Vidyapeeth,
Pawar Plot, Sangliwadi, Sangli.

...Petitioner

Versus

1. The State of Maharashtra
Through the Senior P.I.,
Bharati Vidyapeeth Police Station,
Pune City, Pune,
C.R. No.448 of 2022.
2. Through the Senior P.I.
Kurundwad Police Station,
Kurundwad, Tal. Shirol,
District; Kolhapur.
C.R.No. 109 of 2022.
3. Through the Senior P.I.,
Vishrambag Police Station,
Sangli.
C.R. No. 368 of 2022.
4. Through the Senior P.I.,
Jaysingpur Police Station,
Jaysingpur, Tal. Shirol,
District: Kolhapur.
C.R. No. 329 of 2022.

5. Through the Senior P.I.,
Mandangad Police Station,
District: Ratnagiri,
C.R. No.72 of 2022.
(Notice to be served on the A.P.P.
High Court, Mumbai). ...Respondents

Mr. Nagesh Y. Chavan, for the Petitioner.

Ms. P. P. Shinde, A.P.P for the Respondents-State.

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

DATE : 25th APRIL 2024

ORAL JUDGMENT (Per Revati Mohite Dere, J.):

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of all the respondents. .
3. By this petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, the petitioner seeks a direction to the respondents to investigate

all the CRs registered at various police stations by one investigating agency. The petitioner has also prayed for a direction that all the cases registered against the petitioner be clubbed together and be conducted at one place. Orally, learned counsel for the petitioner in the alternative submits that some of the cases be directed to be conducted before one Court, considering that there is only one complainant/investor in some of the cases.

4. Mr. Chavan, learned counsel for the petitioner submits that seven CRs are registered as against the petitioner, where the petitioner is the sole accused and three CRs are registered as against the petitioner and other accused. He submits that in some of the cases, there is only one investor and hence, these cases be clubbed together. He submits that no prejudice will be caused to any person, in cases where there is only one investor, but serious prejudice will be caused to the petitioner, who is the sole accused, if he is required to attend the cases in eleven different Courts. Mr. Chavan submits that since, there is only one investor in some of the cases, no serious prejudice would be

caused to the investor, if the case is clubbed with other cases.

5. Ms. Shinde, learned APP opposes the petition. Learned APP relied on the affidavit filed by Mr. Sanjay Saxena, Additional Director General of Police, (Law and Order) dated 4th December 2023 as well as the Additional Affidavit filed by Mr. Abhijeet Shivthare, Assistant Inspector General of Police, (L & O), for the Director General of Police, Maharashtra State, Mumbai, dated 18th March 2024. Ms. Shinde does not dispute the fact, that in some CRs/cases, the petitioner is the sole accused and that in some cases, there is only one investor. She however states that since charge-sheet has been filed in ten cases, the said cases be conducted before the respective Courts.

6. Perused the petition. It appears that the petitioner has been arraigned as an accused in eleven CRs. In ten CRs/cases, charge-sheet has been filed and in one CR, investigation is on-going. In all the eleven CRs/cases, the offences alleged are under the Indian Penal Code ('IPC') as well as under the provisions of Maharashtra Protection of

Interest of Depositors (in Financial Establishments) Act ('MPID Act').

It is not in dispute that in seven cases, the petitioner is the sole accused where as in three cases, apart from the petitioner there are other accused.

7. At this stage, it would be apposite to place on record, the chart of cases registered against the petitioner. The said chart, is as under;

Sr. No.	District	Police Station	CR. No.	Status of Charge-sheet file in Court	Investor No.	Number of Accused in chargesheet
1.	Sangli	Vishrambaug	368/2022	Charge-sheet filed	109	1
2.	Ratnagiri	Mandangad	72/2022	Charge-sheet filed	33	4
3.	Kolhapur	Kurundwad	109/2022	Charge-sheet filed	10	3
4.	Kolhapur	Jaisinghpur	329/2022	Charge-sheet filed	1	3
5	Pune City	Bharati Vidyapeeth	448/2022	Charge-sheet filed	2	1
6.	Pune City	Vimantal	416/2022	Charge-sheet filed	1	1
7.	Sangli	Vishrambaug	499/2022	Charge-sheet filed	1	1
8.	Sangli	Vishrambaug	500/2022	Charge-sheet filed	1	1
9.	Pimpri Chinchwad	Chinchwad	582/2022	Charge-sheet filed	1	1

10.	Navi Mumbai	Khandeshwar	41/2023	Charge-sheet filed	1	1
11.	Yavatmal	Yavatmal City	217/2023	Under Investigation	1	0

8. From the aforesaid chart, it is evident that in most of the cases, there is only one investor and the petitioner is the sole accused. Thus, in the peculiar facts of this case, there is some substance in the prayer of the petitioner for clubbing of the cases before one Court, *lest* the petitioner would be required to appear before eleven different Courts, which would further delay the trial.

9. Learned APP does the dispute the chart, which infact has been annexed to the additional affidavit dated 18th March 2024 filed by Mr. Abhijeet Shivthare, Assistant Inspector General of Police (L & O), for the Director General of Police, Maharashtra State, Mumbai.

10. We may note, that in the facts, if the cases are not clubbed, each of the Courts will give a different date, resulting in further delay in concluding the trials. Therefore, in the interest of justice, some of the cases are required to be clubbed, so that they are heard by one Court.

11. Accordingly, keeping in mind, the peculiar facts of this case and the fact, that the petitioner is the sole accused in most of the cases and in most of the cases, there is only one investor, we partly allow the petition, on the following terms and conditions;

ORDER

i) The following four cases are clubbed together i.e. C.R. No.448 of 2022, registered with the Bharati Vidyapeeth Police Station, Pune City; C.R. No.416 of 2022, registered with the Vimantal Police Station, Pune City; C.R. No.582 of 2022, registered with the Chinchwad Police Station, Pimpri Chinchwad and C.R. No.41 of 2023, registered with the Khandeshwar Police Station, Navi Mumbai. All the aforesaid four cases be transferred and dealt with by one Court

i.e. by the Special (MPID) Court at Pune;

ii) As far as C.R. No.368 of 2022; C.R. No.499 of 2022 and C.R. No.500 of 2022, all registered with the Vishrambaug Police Station, Sangli, are concerned, the same be clubbed together. All the aforesaid three cases be tried by one Court i.e. the Special Court at Sangli;

iii) As far as C.R. No.109 of 2022 registered with the Kurundwad Police Station, Kolhapur and C.R. No.329 of 2022 registered with the Jaisinghpur Police Station, Kolhapur, are concerned, the same be clubbed together. All the aforesaid two cases be tried by one Court i.e. the Special (MPID) Court at Jaisinghpur, Kolhapur;

iv) As far as C.R. No.72 of 2022 registered with the Mandangad Police Station, Ratnagiri, is concerned, since there are 33 investors and apart from the petitioner there are three other accused,

we reject the petitioner's prayer for transfer of the said case to any other Court;

v) As far as the C.R. No.217 of 2023 registered with the Yavatmal City Police Station, Yavatmal is concerned, it appears that the same is under investigation. Needless to state, that if a charge-sheet is filed in the said C.R., the same be conducted by the concerned Court at Yavatmal.

12. Needless to state that the concerned Courts to try each of the cases separately, although clubbed before one Court.

13. Rule is made absolute on the aforesaid terms. Petition is allowed and is accordingly disposed of.

All concerned to act on the authenticated copy of this judgment.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.