

Dahyabhai Share and Stock Brokers Pvt. Ltd.

Applicant

.. (Orig. Complainant)

Versus

Nizar Noorali Rangara and Ors.

.. Respondents

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- Mr. Anosh Sequeira, Ms. Vrunda Daga and Ms. Miloni Sheth, Advocates i/by VR Law for Applicants.
 - Ms. Sangita E. Phad, APP for the State.
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 29, 2024.

P.C.:

1. Heard Mr. Sequeira, learned Advocate for Applicants and Ms. Phad, learned APP for the State.

2. Perused the impugned Judgments dated 09.05.2022. Identical orders have been passed in 5 companion Criminal Revision Applications. Though the order is of 2022 initially Criminal Writ Petitions were filed and now pursuant to order dated 30.09.2024, the same has been converted into the Criminal Revision Applications. I have perused the order dated 30.09.2024.

3. Criminal Appeals have been allowed and the entire matter of all 5 Criminal Revision Applications have been remanded back to the learned Trial Court for a fresh trial on the premise that the impleadment of the Official Liquidator ought to have been made. The finding to that effect is stated in paragraph No.13 on the ground that if the Official Liquidator had been made a party may be things would

have been different and details would have been brought on record when the cheques were presented to the bank at that time. This is the only singular finding appearing in the order which is countered by the Applicants on the premise that the Official Liquidator was appointed much subsequently pursuant to the transactions in question. The findings is as vague, insufficient and cryptic as possible as can be gathered on reading of the impugned judgments dated 09.05.2022.

4. An arguable case has been made out for issuance of notice and stay of the impugned judgments dated 09.05.2022 in all 5 matters which are the subject matter of the present Criminal Revision Applications.

5. Issue notice to Respondents. Humdast permitted.

6. Ms. Phad, learned APP waives service on behalf of the State.

7. In addition to Court notice, Applicants are permitted to serve copy of the Criminal Revision Applications and this order on Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

8. After receiving notice, Respondents are directed to take cognizance of this order and file Affidavit-in-Reply on or before the next date, if so desired.

9. In the meanwhile, learned Trial Court shall defer the hearing of the proceedings until the present Criminal Revision Applications are determined by this Court.

10. Stand over to 10th December 2024.

[MILIND N. JADHAV, J.]

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