

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

CRIMINAL WRIT PETITION NO. 708 OF 2024

Asha G. Kotwani

.... Petitioner

Versus

State Of Maharashtra And Ors.

.... Respondents

Ms. Mrunmai G. Kulkarni, for the Petitioner.

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

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

DATE : 29th APRIL 2024

P.C. :

1. On 18th March 2024, the following Order was passed :

“1. Learned APP, on instructions states that the competent authority has not been appointed till date.

2. It is not in dispute that the said case was registered in the year 2019 and till date, no steps have been taken for appointing the competent authority to carry out the

mandate as required under the MPID Act. There is already a gross delay of 4½ years. In these circumstances, we expect the State Government to take prompt steps to ensure that the competent authority is appointed at the earliest, so that the object of the MPID Act can be achieved.

3. Stand over to 8th April, 2024.”

2. Today, learned A.P.P. seeks some more time. She states that the EOW has forwarded the papers to the Collector only on 6th April 2024, and as such the Collector will take some time, before he processes the papers, and sends it to the Law and Judiciary Department.

3. It is pertinent to note that the MPID Case was registered in the year 2019. Four and half years have lapsed, and till date no steps have been taken by the Investigating Agency, to appoint a competent authority, for notifying the properties of the accused, as mandated

under the MPID Act. The delay will certainly enure to the benefit of the accused, and will defeat the purpose and object behind enacting the MPID Act.

4. Considering the delay that has taken place, we expect that the Joint Commissioner of Police, EOW, to remain present on **30th April 2024** at 10.30 a.m.

5. Learned A.P.P. to forthwith communicate the Order to the Joint Commissioner of Police, EOW, to enable him to remain present on **30th April 2024** at 10.30 a.m.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.

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signed by
CHAITANYA
ASHOK
JADHAV
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