

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

CRIMINAL WRIT PETITION NO. 708 OF 2024

Asha G. Kotwani ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

Ms. Mrunmai G. Kulkarni, for the Petitioner.

Mr. K. V. Saste, Addl.PP for the Respondent-State.

***CORAM : REVATI MOHITE DERE &
SHYAM C. CHANDAK, JJ.
DATE : 1st JULY 2024***

P.C. :

1. Heard learned counsel for the parties.
2. On 18th March 2024, the following order was passed by this Court in the aforesaid petition: -

“ 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.”*

3. Thereafter, on 29th April 2024, the learned APP had sought some more time. She had stated that the E.O.W had forwarded the papers to the Collector only on 6th April 2024, and as such the Collector would take some more time, before the papers can be processed and sent to the Law and Judiciary Department.

4. Considering the delay that had taken place, we directed the Joint Commissioner of Police, E.O.W, Mumbai, to remain present before us, on 30th April 2024 and the matter was adjourned to 30th April 2024.

5. On 30th April 2024, the Deputy Commissioner of Police (DCP), E.O.W. Mumbai was present before us, due to non-availability of the Joint Commissioner of Police, EOW, Mumbai. On the said date, Mr. Venegavkar, learned Public Prosecutor, stated that the proposal has been forwarded by the Collector to the State Government, and made a statement that the State Government will

take appropriate steps for issuance of necessary notification as contemplated under the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act ('MPID Act').

6. Today, Mr. Saste, learned Additional Public Prosecutor submits that the State Government has issued a Notification and appointed the Competent Authority vide Notification dated 4th June 2024. He submits on instructions that appropriate steps will be taken by the Competent Authority to attach the property of the accused, in accordance with law, as expeditiously as possible. Statement accepted.

7. In view of the aforesaid, learned counsel for the petitioner does not press this petition and seeks leave to withdraw the same with liberty to seek the same relief i.e. disbursement of the amount deposited as security in Fixed Deposits in Banks, by the accused alongwith accrued interest and other reliefs as sought for, in this petition, before the appropriate forum/court

8. Petition is accordingly disposed of as withdrawn, with liberty as prayed.

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

SHYAM C. CHANDAK, J.

REVATI MOHITE DERE, J.