

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.108 OF 2023**

Romell Housing LLP	...Applicant
vs.	
Sameer Salim Shaikh	...Respondent

**WITH
INTERIM APPLICATION NO.144 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.108 OF 2023**

Khurshid Nooruddin Shaikh (w/o. Nooruddin Shaikh) and Ors.	...Applicants
vs.	
Sameer Salim Shaikh and Ors.	...Respondents

Mr. G.S. Gobole, Senior Advocate a/w Mr. Drupad Patil & Mr. Dheeraj Patil, Advocate for the Applicants.
Mr. Chaitnya Pendse a/w Mr. Deepak Shukla, Advocate for the Respondent No.1.
Mr. H.J. Dedhia, APP for the Respondent No.2 – State.
Mr. Rohan Savant i/b. Mr. Laxman Jain, Advocate for Respondent Nos.3 and 4.
Ms. Chipkar, Master (Adm), Office of Court Receiver present.

**CORAM : S. M. MODAK, J.
DATE : 20th FEBRUARY 2024**

P. C. :-

1. Heard learned Senior Advocate Shri Godbole for the Applicants.

He has invited my attention to the following orders :-

Sr. Nos.	Writ Petition No.	Date	Page Nos.
1.	Order in Writ Petition No.3214 of 2017	14/02/2018	Pg. 178
2.	Order in SLP (Crl.) No.2020 of 2018 passed by the Supreme Court.	09/03/2018	Pg. 250-251
3.	Order in Writ Petition No.3214 of 2017 relating to appointment of Court Receiver filed by Romell Housing LLP & Anr.	14/12/2018	Pg. 210
4.	Order in Criminal Appeal No.1191 of 2019 passed by the Supreme Court.	30/07/2019	Pg. 256
5.	Order passed by the Division Bench in Cri. Writ Petition No.3214 of 2017 filed by the present Applicant.	13/11/2019	Pg. 83

2. The Division Bench has rejected the grievance that the Court Receiver was not appointed for taking possession. For paucity of time, stand over to 27th February 2024 at 2.30 pm for hearing remaining arguments on following points:-

- (a) Order passed by the Metropolitan Magistrate and relevant record.
- (b) Order passed by the Revisional Court and necessary documents.

3. Let the parties may apprise the Court whether any map or photographs were filed by either of the parties before the Court.

4. Learned Advocate Shri Pendse called upon learned Senior

Advocate Shri Godbole to point out from the record is there any order passed by the learned Metropolitan Magistrate as contemplated under Section 145(1) of the Code of Criminal Procedure to the effect that he was satisfied for initiation of the proceeding. According to him, this is requirement of law.

5. Whereas, according to learned Senior Advocate Shri Godbole, the Division Bench has ordered for inquiry under Section 145 of the Code and once it is confirmed by the Hon'ble Supreme Court, in fact, there is no need to pass such an order. Additionally, he invited my attention to the part of Roznama dated 29th December 2018 wherein the learned Metropolitan Magistrate has taken a note of the order passed by the High Court and then issued notice to both the parties. According to him, this is sufficient.

6. Let during the course of the argument, learned Advocate Shri Pendse is at liberty to advance this submission.

7. Stand over to **27th February 2024 at 2.30 pm.**

8. Ad-interim relief granted earlier to continue till then.

[S. M. MODAK, J.]