

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1335 OF 2024
IN
WRIT PETITION NO.731 OF 2023

Sagar Maruti Suryawanshi .. Applicant
Versus
Directorate of Enforcement & Ors. .. Respondents

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Mr.Ajay Bhise with Ms.Deepali Kedar i/b Mr.Sagar Kursija in
IA/1335/24 in WP/731/23 for the Applicant/Petitioner.

Mr.Shantanu Phanse with Mr.S.S.Bedekar for the Petitioner in
WP/612/23.

Mr.H.S.Venegavkar, Public Prosecutor with Mr.Ayush Kedia for
the Respondent No.1-Enforcement Directorate.

Mr.A.V.Anturkar, Senior Advocate for the Intervenor.

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**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATED : 10th JUNE, 2024

P.C:-

1. My attention is invited to the order passed by the
Hon'ble Apex Court on 08/05/2024, in a Petition filed by one
Sagar Maruti Suryawanshi, the Petitioner.

The grievance made before the Apex Court was to the effect that the Writ Petition filed for quashing of the complaint is pending before the Bombay High Court and it had neither heard the Writ Petition nor considered the prayer for interim relief.

In the wake of this grievance, Their Lordships of the Apex Court passed the following order :-

“Issue notice returnable on 8th July, 2024.

In the meanwhile, considering the facts noted above, it will be open for the petitioner to move the regular Bench of the Bombay High Court or the vacation Bench for consideration of prayer for grant of interim relief.

In the event, the petitioner does not get hearing before the High Court, we make it clear that we will consider the prayer for grant of interim relief on the returnable date.”

2. When the said Writ Petition is listed today, the learned counsel would press for the Interim Application, being numbered as 1335 of 2024, which is an application for interim relief.

However, it is informed that there are more Petitions, which involve a similar issue and by consent of the learned counsel representing the Applicant/Petitioner, the learned counsel representing the Petitioner in Writ Petition No.612 of 2023, the learned counsel Mr.Venegavkar, appearing for the Directorate of Enforcement as well as the learned senior counsel Mr.Anturkar representing the Intervenor, a consensus is arrived that the Writ Petitions shall be heard finally.

With this consensus, the present Writ Petition alongwith connected Writ Petitions, being WP/612/23, WP/690/23, WP/711/23, WP/746/23, WP/1030/23, WP/961/23 and WP/646/23, are directed to be listed on 13/06/2024 at 2.30 p.m.

3. It is made clear that the learned counsel representing the respective parties shall argue the Writ Petitions finally, as it is indicated by the Apex Court that if either the Petitions or the interim relief is not considered, the Apex Court would be constrained to take up the matter for grant of interim relief and this Court do not expect, that the matter would be required to be considered by the Apex Court in the wake of failure of this Court.

In these circumstances, with a clear understanding that all the Writ Petitions shall be argued finally, re-notify to 13/06/2024.

It is expected that all the learned counsel representing the respective parties shall give their brief note of the submissions/points involved for consideration.

4. Some difficulty has been expressed by Mr.Venegavkar, the learned Public Prosecutor and he would submit that the assignment of this Court is as regards, "other Criminal work not assigned to other Courts" and the Writ Petitions, filed in normal course, would be required to be listed before the Division Bench, headed by Justice Revati Mohite Dere, and if not before the said Bench, then before the alternative Division

Bench, headed by Justice A.S.Gadkari. However, the learned counsel for the Petitioners pointed out the two orders passed by the respective Benches, recusing themselves from hearing the Writ Petitions.

It is in these circumstances, according to the learned counsel for the Petitioners, the matters shall be covered under “other Criminal work not assigned to other Courts”.

However, it is advisable that this aspect should be brought to the notice of the Hon’ble The Chief Justice, so that appropriate orders can be obtained and the Writ Petitions can proceed for hearing on 13/06/2024, in terms of the directions issued above.

(MANJUSHA DESHPANDE,J.)

(BHARATI DANGRE, J.)