

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.379 OF 2016

Rakesh Brijlal Jain and Anr.

.. Applicants

Versus

The State of Maharashtra and Anr.

.. Respondents

WITH

INTERIM APPLICATION NO.2936 OF 2024

Directorate of Enforcement

.. Applicant

Versus

Rakesh Brijlal Jain and Anr.

.. Respondents

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- Mr. Bhavesh Thakur, Advocate for Applicants in Criminal Revision Application and for Respondent Nos.1 and 2 in Interim Application No.2936 of 2024.
- Ms. Dhanalakshmi S. Krishnaiyer, APP for Respondent No.1 - State of Maharashtra in Criminal Revision Application.
- Mr. Gul Kanchharam Achhra, Advocate for Respondent No.2 in Criminal Revision Application.
- Mr. Shreeram Shirsat, Advocate for Applicant in Interim Application.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 15, 2024

P.C.:

1. Heard Mr. Thakur, learned Advocate for Applicant in Criminal Revision Application and for Respondent Nos.1 and 2 in Interim Application No.2936 of 2024; Ms. Krishnaiyer, learned APP for Respondent No.1 - State of Maharashtra in Criminal Revision Application; Mr. Achhra, Advocate for Respondent No.2 in Criminal Revision Application and Mr. Shirsat, learned Advocate for Applicant in Interim Application.

2. It is principal grievance of Mr. Shirsat, learned Advocate for Applicant in Interim Application on behalf of Directorate of Enforcement that order dated 01.09.2016 appended at page No.21 of the Interim Application has been passed without instructions being given to the Advocate whose statement is recorded and directions are passed. Though he would attempt to argue on the merits of the Interim Application, considering the age of the Criminal Revision Applicant and the controversy that is involved, parties are *ad idem* that if the Criminal Revision Application is itself heard it would subserve the ends of justice.

3. Criminal Revision Application is filed in the year 2016. No purpose would be served by hearing the Interim Application at this stage after almost eight years. In that view of the matter, I propose to hear the Criminal Revision Application finally. Applicant is directed to give copy of written submissions and Criminal Revision Application to the Respondents.

4. Mr. Achhra appears for Respondent No.2 i.e. original complainant. He would submit his written submissions of arguments and would submit that in that view of the matter his presence be dispensed with on the date of hearing the present Application. Written notes of arguments of Respondent No.2 are taken on record. Copy of written notes be served on Advocates for the respective parties by

Advocate for Applicant. In view of the request made by Mr. Achhra his presence stands dispensed with on the date of hearing of the Application.

5. Needless to state that written notes of arguments filed by Respondent No.2 shall be undoubtedly considered by the Court on the date of hearing and Advocates for the respective parties shall also consider the same.

6. It is clarified that Interim Application and Criminal Revision Application shall be taken up for hearing together on the next adjourned date which shall be noted by the parties.

7. In the meanwhile, ad-interim / interim order granted earlier, if any, to continue.

8. List the Criminal Revision Application alongwith Interim Application on **12th November, 2024 at 02:30 p.m.**

H. H. SAWANT

[MILIND N. JADHAV, J.]