

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.847 OF 2024

NSEL Investors Action Group .. Appellant
Versus
The State of Maharashtra and ors .. Respondents
...

Mr.Piyush Raheja a/w Bhushan Shah, Akash Jain, Aakash Mehta,
Mohammed Lokhandwala i/b Mansukhlal Hiralal & Co for the
Appellants.

Ms.Rebecca Gonsalves, SPP for respondent nos.1 and 2.

Mr.D.J. Haldankar, APP for the State.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 12th AUGUST, 2024

P.C:-

1 In the Appeal filed by NSEL Investors Action Group, a very significant question arises as to what is the procedure to be followed by the MPID Court, when a response to the notice is received under sub-section (1) and (2) of Section 7, as sub-section (5) of Section 7 contemplate that the designated Court shall, subject to the provisions of the Act, follow the summary procedure as contemplated in Order 37 of the Code of Civil Procedure and shall exercise all the powers of the Court in hearing the Suit under the said Code.

2 Mr. Raheja has invited our attention to various orders passed by the Special Judge, when upon receiving the objections

raised by the M/s 63 Moon Technologies Limited, he has directed that it would be appropriate to frame issues in the matter.

Whether this course of the action is permissible, in light of the statutory provision is what we want to consider with the able assistance of the learned counsel representing the competent authority.

3 Ms. Gonsalvez, who represent the authority shall obtain necessary instructions and if necessary file an appropriate affidavit on behalf of respondent nos.1 and 2.

In all fairness, she make a statement that there is no propriety in staying the proceedings before the Special Judge, but she will issue instructions to the prosecutor representing the competent authority not to insist upon framing of issues till the next date of hearing.

4 We also issue notice to the respondent no.3, by making the same returnable on 28/08/2024.

Hamdast granted.

In addition, the notice is also permitted to be served through private mode of service, including notice through electronic mode.

5 Re-notify to 28/08/2024. To be listed on supplementary board.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)