

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

CRIMINAL WRIT PETITION (STAMP) NO. 13700 OF 2024

M/s. Swarnamala Jewellers	...Petitioner
Versus	
State of Maharashtra and Anr.	...Respondents

***WITH
INTERVENTION APPLICATION NO.3176 OF 2024
IN
CRIMINAL WRIT PETITION (STAMP) NO. 13700 OF 2024***

Jayesh Rasiklal Shah and Anr.	... Applicants/Interveners
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IN THE MATTER BETWEEN:

M/s. Swarnamala Jewellers	...Petitioner
Versus	
State of Maharashtra and Anr.	...Respondents

Mr. Dhruva Gandhi a/w Mr. R. B. Singhvi i/b Lex Services, for the Petitioner.

Ms. Kranti T. Hiwrale, A.P.P for the Respondent No.1-State.

Mr. Dhruvad Vaghani a/w Mr. Gaurav Jain, for the Respondent No.2.

Mr. Mathew Nedumpara (through video-conferencing) a/w Mr. Akhilesh Nair i/b Nedumpara & Nedumpara, for the Applicants/Interveners in IA/3176/2024.

P.I. - H. M. Lande, from EOW, is present.

Nayab Tahsildar – Shivaji Choure and Awal Karkun - Vajinath Giri,
from Deputy Collector's Office (Enc/Rem), Bandra, are present.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 23rd SEPTEMBER 2024

P.C. :

1. In view of the subsequent developments that have taken place i.e. attachment of the property by the Competent Authority on 14th August 2024, learned counsel for the petitioner, on instructions, does not press this petition and seeks leave to withdraw the same, with liberty to file a fresh application before the learned Special Judge, MPID Court seeking the very same relief i.e. release of the attachment on the petitioner's property on several grounds including the judgment passed by this Court in the case of *Shiv Charan and Others v/s Adjudicating Authority and Another*¹.

2. Petition is accordingly disposed of as withdrawn with liberty as prayed.

1 Writ Petition (L) Nos.9943 of 2023 & 29111 of 2023, decided on 01.03.2024.

3. We make it clear that we have not gone into the merits of the petition and as such all contentions of all parties on merits are kept open.

4. If an application is filed by the petitioner seeking release of his property, the learned Special Judge to decide the said application, as expeditiously as possible, and in any event within four weeks from the date of filing of the said application. The learned Judge shall pass appropriate orders on the fresh application, uninfluenced by its earlier order dated 19th June 2024.

5. In view of the aforesaid, nothing survives for consideration in Intervention Application being Intervention Application No.3176 of 2024. The same is disposed of accordingly.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.