**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1541 OF 2025

M/s Choksi Vimal Bullion LLP
Through its Partner
Bipin Vimalchand Jain ..PETITIONER

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. A.A. Yadkikar, Advocate for the petitioner
Mr. S.S. Dande, A.P.P. for respondent no.1 - State

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CORAM : ABHAY J. MANTRI, J.
DATE : 07th NOVEMBER, 2025

PER COURT :

1. Heard learned counsel for the petitioner and learned A.P.P. for the State. Perused the impugned orders and record.

2. At the outset, learned counsel for the petitioner contended that the learned J.M.F.C., as well as the learned Additional Sessions Judge, without giving an opportunity to the petitioner behind his back, had passed the orders to release the amount from his bank account number 917020043873680 of the Axis Bank Ltd., Br. Memon Street, Zaveri Bazar, Mumbai, to the bank account of the informant, i.e. Girish Digambar Soman. He has drawn my attention to the bank account statement produced by him, as well as the tax invoice in the name of M/S Kalpataru Gems and Jewels, which purchased an

850 gm gold bar from him on 13th December, 2024. Pursuant to that, he has transferred an amount of Rs. 67,15,085/- into the petitioner's bank account. The petitioner has no concern with the alleged crime, nor is the petitioner an accused in the said crime. He further made a statement that to date, no amount has been transferred from the account of the petitioner. His statement is accepted. However, the learned J.M.F.C., as well as the learned Additional Sessions Judge, without considering the said fact and without intimating him or seeking his say, has passed the impugned order. He, therefore, urged that the said orders may kindly be stayed.

3. He further pointed out the statement of one Ladharam Choudhary, who is the representative of his firm and submitted that initially the amount in question was transferred in the account of '*Rana Ram Devasi*' at HDFC Bank account, then it was transferred to '*Manasi Enterprises*' A.U. Bank account and thereafter it was transferred to HDFC Bank in the account of '*Kalpataru Gems and Jewels*' at Mumbai and lastly the Kalpataru Gems and Jewels paid that amount to it towards purchase of gold transaction dated 13th December, 2024. Therefore, he urged that if pursuant to the order of learned J.M.F.C., as well as the learned Additional Sessions Judge, the amount has been transferred into the bank account of the informant, then certainly it would cause prejudice to the rights of the petitioner, and therefore, he urged for the grant of stay to the impugned orders.

4. Having gone through the record, prima facie, I do not find

substance in his contention in that regard. Moreover, the petitioner is not an accused in the present crime, nor was he a party to the proceedings before the learned J.M.F.C., as well as the learned Additional Sessions Judge. Furthermore, without giving him an opportunity, both courts have passed the impugned orders. Therefore, in my view, the said orders should be stayed until the respondents file their reply. If the impugned orders are stayed, no prejudice would be caused to the respondents. On the contrary, if the orders are not stayed, then certainly it would cause prejudice to the rights of the petitioner.

5. As a result, ad-interim relief is granted in terms of prayer clause (E), till filing of the reply by the respondents.

6. Issue notice to the respondents, returnable on 28th November, 2025. Learned A.P.P. waives service of notice for Respondent No.1. The petitioner is permitted to serve the notice to the other respondents by all permissible modes in law.

(ABHAY J. MANTRI, J.)

SSD