

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.5023 OF 2024
IN
CRIMINAL APPEAL NO.168 OF 2020

Juan Fernando Doncel Rivera ...Applicant
Versus
Intelligence Officer, Narcotics Control Bureau,
Mumbai & Anr. ...Respondents

Mr. Tabish Mooman, for the Applicant.
Mr. Madhukar P. Dalvi a/w. Mr. Shivam S. Dube, for the
Respondent.
Mr. D. J. Haldankar, APP, for the Respondent No.2-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 11th JULY 2025

P. C.:

1. The Applicant has sought the following reliefs in this Interim
Application:

*“a- This Hon’ble Court be pleased to pass an order
directing the registrar to handover the sum of Rs 2
lakh to the applicant.*

*b- This Hon’ble Court be pleased to pass an order
the registrar that the said sum ot be returned should
be in cash as the applicant does not have any bank
account in India.”*

2. Mr. Mooman, learned Counsel appearing for the Applicant states that the learned N.D.P.S. Special Judge, City Civil & Sessions Court, Greater Bombay by Judgment and Order dated 6th January 2020 passed in N.D.P.S. Special Case No.111 of 2012 convicted the Applicant and apart from sentence of 15 years, directed payment of fine of Rs.2,00,000/-. He submits that accordingly, the said amount of Rs.2,00,000/- has been deposited in this Court. He further submits that by the order dated 7th May 2024 passed by a learned Single Judge in Criminal Appeal No.168 of 2020, the said Appeal has been allowed and the impugned Judgment and Order dated 6th January 2020 is quashed and set aside. However, he submits that no direction was issued concerning the said amount of Rs.2,00,000/- deposited in this Court. As the learned Single Judge (Coram: Kishor C. Sant, J.), who passed the order dated 7th May 2024 is not available at the Principal Seat at Bombay High Court, the matter is placed before this Court.

3. As the learned Single Judge has quashed and set aside the impugned Judgment and Order dated 6th January 2020 passed in N.D.P.S. Special Case No.111 of 2022, consequently the direction of

payment of fine of Rs.2,00,000/- has also been quashed and set aside.

4. Accordingly, the registry is directed to refund the said amount of Rs.2,00,000/- with interest, if any.

5. Mr. Mooman, learned Counsel appearing for the Applicant states that the Applicant is citizen of Colombia and as the Applicant has no bank account in India, the said amount be directed to be paid to the Applicant in cash. However, such prayer cannot be granted. The registry is directed to pay the said amount by cheque drawn in favour of the learned Advocate appearing for the Applicant.

6. Mr. Mooman, learned Counsel appearing for the Applicant to file on his letterhead signed by him the fact of payment of the said amount to the Applicant and the concerned documents regarding transfer of said amount to the Applicant within a period of four weeks from the receipt of the said amount of Rs.2,00,000/- along with interest, if any, from the registry.

7. Accordingly, the Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

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