

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

CRIMINAL WRIT PETITION NO.3485 OF 2025

Abhishek Jha	Petitioner
versus	
The State of Maharashtra and others	Respondents

Mr.Samir A.Vaidya with Mr.Aditya R.Parmar and Ms.Zainab Khan
for Petitioner.

Mr.J.P.Yagnik, Additional P.P for State.

**CORAM : RAVINDRA V. GHUGE AND
GAUTAM A.ANKHAD, JJ.**

DATE : 23rd July 2025

PC :

1. Leave to add the Bank as Respondent no.5, since the Petitioner has taken a loan from the said Bank to purchase a flat on which the Bank has created charge. Amendment to be carried out within one week.
2. Leave to correct the description of Respondent no.2. Correction be carried out forthwith.
3. Issue notice to the Respondents returnable on 26th August 2025. The learned APP waives service of notice on behalf of Respondent nos.1 and 2.
4. Let affidavit-in-reply be filed by the Respondents at least one week prior to the returnable date.

5. The Petitioner has contended that he has a search document which indicates that Writ flat was clear of all encumbrances and there was no charge created on it. Hence, he purchased the said flat from Respondent nos.3 and 4 by moving a loan proposal with Respondent no.5. Presently, the Petitioner is under an obligation to repay the loan for an amount of Rs.50,00,000/- to Respondent no.5. A charge is also created by the Bank on the said flat. It is also averred that the Petitioner is occupying the said flat, is residing in the same and he is in peaceful possession.

6. In view of the above, we direct that the Order dated 22nd January 2025 shall not be acted upon with reference to the Writ Flat No.404, 4th floor, White Woods, 'D' wing, Plot No.204, Sector 23, Ulve, Navi Mumbai, Panvel, District Raigad until further orders. The Petitioner is directed not to create any third party rights/interests or encumbrances on the said property and shall also not introduce any tenant/tenants in the said property until further orders.

(GAUTAM A.ANKHAD, J.) (RAVINDRA V. GHUGE, J.)