

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4986 OF 2025

Securities and Exchange Board of ... Petitioner
India

V/s.

The State of Maharashtra ... Respondent

Mr. Chetan Mali, for the petitioner.

Mr. Taha Mirza i/by Khaitan and Co., for the respondent no. 7.

Mr. PP. Malshe, APP, for the State/respondent no. 1.

Mr. Kunal K. with Manish Bohra and Vikas B., for the respondent nos. 3 and 8.

API, Sandip Salunkhe, Unit-8, EOW, Mumbai.

CORAM : N.J. JAMADAR, J.

DATE : 6TH OCTOBER 2025.

PC:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to the orders passed by the learned designated Judge, MPID, Greater Mumbai.
3. By the orders dated 10th March 2025, 5th May 2025 and 26th August 2025, cumulatively, the learned Judge has permitted the Seema Basantani, the wife of accused no. 3 Rajkumar Basantani to sell 67,000 shares out of 5,85,000 shares allotted by the BSE Limited, through the State Bank of India, as a part of the arrangement to liquidate the assets of the accused in the MPID Special Case No. 12 of 2005 and discharge the liabilities of the investors.

4. The principal grievance of the petitioner in this petition is that the MPID Court could not have issued the directions for the sale of shares of the BSE Limited which were to be allotted to the Kolar Sharex Private Limited, which has since been struck off the Register of the Companies.

5. The accused No. 3-Rajkumar Basantani has taken out an application (Exhibit-98) in MPID Special Case No. 12 of 2005, seeking, inter alia, the relief that the respondent no. 3/the petitioner herein be permitted to directly liquidate BSE Limited shares worth Rs.58 crores by taking transfer from the applicant's wife or, in the alternative, allow the applicant's wife to liquidate the equivalent value of shares and deposit the sale proceeds with respondent no. 3. It is further prayed that on receipt of the said amount of Rs.58 crores, BSE Limited be directed to transfer the accrued dividend amount of approximately Rs.2.50 Crores to the bank account of the applicant's wife, in compliance with the order dated 5th May 2005.

6. The learned counsel for the petitioner submitted that the petitioner is in the process of ascertaining further claims against the entities connected to Rajkumar Bansantani / accused no. 3 before the MPID Court.

7. The learned counsel for the Respondent No. 3 informs the Court that the petitioner has filed an application before the Special Court seeking reliefs similar to the reliefs in the aforesaid application (Exhibit-98).

8. The learned counsel for the petitioner submits that he has

instructions to withdraw the said application.

9. Since the petitioner is made a party to the said application (Exhibit-98) in MPID Special Case No. 12 of 2005, it would be appropriate that the petitioner raises all the contentions before the MPID Court and the said application (Exhibit-98) is decided by the MPID Court on its own merits and in accordance with law.

10. In any event, since the orders impugned in this petition are amenable to an appeal under the MPID Act, if the petitioner feels aggrieved by the orders which may be passed on the application (Exhibit-98), the petitioner may work out its remedies in accordance with law.

11. Subject to the aforesaid clarifications, the petition stands disposed.

(N.J. JAMADAR, J)