

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.902 OF 2025**

Parasrampuriah Plantation Ltd. ... Appellant
V/s.
State of Maharashtra & Ors. ... Respondents

Dr. Abhinav Chandrachud with Aalam Parasrampuriah i/b Prashant
Parasrampuriah for the Appellant.

Ms. Sangeeta S. Shinde APP for Respondent No.1-State.

Mr. Gulabrao Awasanmol with Pawan S. Dabhade for Respondent No.2.

Mr. Sandip Salunkhe, API, Unit-8, EOW, present.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 1st DECEMBER, 2025

PC:-

1) We are informed that Misc. Application No.9 of 2016 filed by Jijabai Baban Malunjkar and Misc. Application No.1319 of 2024 filed by Baban Devram Malunjkar and others are filed before the Special Court (MPID) in Special MPID Case No.16 of 2005. These Applications seek raising of the attachment of land bearing Gat No.960 admeasuring 2H-20R which according to the Applicants, have been wrongly attached vide the judgment and order dated 12/01/2007 passed in Misc. Application No.1 of 2007 passed by the Competent Authority in MPID Special Case No.16 of 2005. It is a specific case of the Applicants that the attachment has been

ordered without the Applicants being made party to the proceedings and, therefore, without affording an opportunity of hearing or adequate representation qua the said order, the attachment order is passed. In any case, the Applications are pending before the Competent Court.

2) The financial establishment i.e. present Appellant, moved another Application in form of Misc. Application No.1319 of 2024 under Section 8 of the MPID Act seeking a direction for attachment of the same property. The Applicants being a financial establishment filed the Misc. Application seeking recall of the order dated 12/01/2007 in respect of Plot bearing Survey No.1272 (New Survey No.960) as it was a specific pleaded case in the Application that the Application was filed by inviting attention of the Court to six mutation entries in respect of the subject land, thereby leading to an inference that the land is already dealt with.

It was also pleaded that the approximate aggregate value of the aforesaid land is about Rs.4 crores and therefore, directions may be issued to attach the Applicants' property which is equivalent to the proper valuation of the land which is alleged to be purportedly transferred.

It is upon this Application, on 12/08/2025 an order came to be passed, by observing that there was no specific contention in the Application that the Applicants had transferred the aforesaid property to any third party without consideration and with malafide intention and

neither the name of any transferee is given in the Application.

With specific observation that the Application do not give indication of the property being transferred by the Applicants and merely on the basis of mutation entries, it cannot be concluded that the property is already transferred as the names of those persons are not also brought before the Court, the Application came to be rejected by holding that it cannot be held that the Applicants have with malafide intention transferred the property.

3) During the course of hearing of the Appeal being filed, aggrieved by the said order, Dr. Chandrachud appearing for the Appellant, at this stage only has a limited request to make, being to decide Misc. Application No.9 of 2016 and Misc. Application No.1319 of 2024, without being influenced by any observations in the order dated 12/08/2025 rejecting the Application filed by him under Section 8 and his request is to decide the two Applications on their own merits.

4) We do not see any difficulty in considering his request as we find that the Application filed under Section 8 by the financial establishment could not have been entertained, but in any case by recording that the financial establishment has failed to establish that the transfers are malafide, the Application came to be rejected.

As the Misc. Applications filed by the Applicants, are pending

before the Competent Court, it is directed that they shall be decided on its own merits and needless to state that the Appellant, as accused, will definitely have participation in the hearing the Applications, which shall be decided without being influenced by the observations made in the order dated 12/08/2025.

We expect the MPID Court to dispose of Misc. Application No.9 of 2016 and Misc. Application No.1319 of 2024 within a period of eight weeks from today.

Appeal stands disposed of.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)