IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL (ST) NO.22045 OF 2025
WITH
INTERIM APPLICATION NO.4094 OF 2025
IN
CRIMINAL APPEAL (ST) NO.22045 OF 2025

Sunita Kamlesh Mehta ...Appellant
V/s.
The State of Maharashtra ...Respondent

Adv. Sadanand Shetty a/w Adv. Kruti Bhausar & Adv. Pratik Barot for the Appellant.
Ms. Supriya Kak, APP for the Respondent-State.
Mr. Sandeep Warpade, API, D.N. Nagar Police Station, Mumbai, present.

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

DATED : 09th DECEMBER, 2025.

P. C. :-

1) In the wake of our previous Order, the Appeal is amended to raise a challenge to the Order refusing discharge. We have noted that charge is already framed against two accused persons in MPID Special Case No.1645 of 2023 when they are accused of accepting deposit by the informant and other investors in gold business under the assurance of return of more than bank rate (@ 36%) in way of deposits by floated gold scheme. They are accused of committing criminal breach of trust by not returning deposits entrusted by the informant and other investors and thus committing an offence punishable under Section 406 r/w Section 34 of the

Indian Penal Code, 1860. Apart from this, since within the period of the offence, they are accused of receipt of an amount of Rs.3,09,50,000/- and deceiving the investors they have also faced a charge under Section 420 r/w. Section 34 of the IPC. Apart from this, the specific charge framed against both the accused is about the entrustment by the deposit of Rs.3,09,50,000/- in furtherance of their common intention and an intentional default in repayment of the deposits to the investors on maturity along with the interest and therefore attracting offence under Sections 3 and 4 of the Maharashtra Protection of Interest (in Financial Establishments) of Depositors Act, 1999.

2) Heard the learned Counsel for the Appellant who has also raised a challenge to the Order dated 31st December, 2024 refusing discharge.

We have perused the said Order, which has categorically referred to the averment in the FIR, where the complainant had specifically referred to the Appellant, the wife of accused No.1 who had visited his house and instigated him to invest the money in gold scheme floated by her husband and he was assured promising higher returns upon the deposits being made.

In the light of the FIR and in the wake of the charge-sheet which referred to clear cut involvement of the present Appellant along with her husband in form of various statements, in our considered opinion, the impugned Order has rightly refused discharge and since we find no legal lacuna therein, by upholding the same, we dismiss the Appeal.

In any case, now even the charge has been framed and we find the charge to be in consonance with the material compiled with the charge-sheet which do not warrant any interference. The Appellant must therefore undergo the trial upon the charge being framed.

The Appeal is dismissed.

3) Consequently, pending Application also stands disposed of in view of dismissal of the Appeal.

(SHYAM C. CHANDAK, J.) **(BHARATI DANGRE, J.)**