



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APPP] No.2713 of 2025
in
Criminal Application [APPA] No.725 of 2024
in
Criminal Appeal No.406 of 2024

Jawaharlal s/o Shrilal Dubey and others

vs.

The State of Maharashtra, through Anti Corruption Bureau, Amravati

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. Anil Mardikar, Senior Advocate assisted by Mr. R.A. Mardikar, Advocate
for the Applicants/Appellants.
Mr. S.S. Hulke, A.P.P. for the Non-Applicant/Respondent.*

CORAM : NIVEDITA P. MEHTA, J.
DATE : 17th DECEMBER, 2025.

Heard.

2. The present application has been filed seeking clarification and/or modification of the condition imposed by this Court vide order dated 17/10/2024. The appellants had earlier preferred Criminal Application (APPA) No.725 of 2024 seeking stay to the operative part of Clause No.10 of the judgment and order dated 06/07/2024 passed by the learned Special Judge under the Prevention of Corruption Act and Additional Sessions Judge, Amravati, in Special ABC Case No.11/2005.

3. While considering the said application, this Court, by order dated 17/10/2024, was pleased to allow the same subject to certain conditions. One of the conditions, contained in clause (3) of the

operative part of the said order, reads thus:

“(3) The appellants shall not deal with the properties by alienating or creating any charge by way of gift, mortgage or in any other manner.”

4. The learned Senior Counsel appearing for the appellants submits that the aforesaid condition, when construed in the context of the property, namely agricultural land situated at Mouza Borgaon, bearing Gat No.131 (Survey No.42/1), admeasuring 1 Hectare 59 Ares, Class-I, which was already sold under a registered sale-deed dated 08/09/2023, would not be attracted. It is submitted that the said condition operates prospectively and cannot be made applicable to transactions completed prior to the passing of the order dated 17/10/2024.

5. Per contra, the learned Additional Public Prosecutor opposes the application, contending that there is no ambiguity in clause (3) of the order dated 17/10/2024 and that the said condition is not required to be clarified or modified, as it is not confined to having only prospective operation.

6. Having considered the submissions advanced by the learned counsel appearing for the parties and upon perusal of the order dated 17/10/2024, this Court is of the considered opinion that clause (3) of the operative part of the said order requires clarification in the context of the relief sought by the appellants.

7. Accordingly, the Criminal Application is allowed in terms of prayer clause (1). It is clarified that clause (3) of the order dated 17/10/2024 shall operate prospectively.

8. In wake of the said observations the present application is disposed of.

**sandesh*

JUDGE