



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

CRIMINAL WRIT PETITION NO.644/2025

Samruddha Minerals and Metals Pvt. Ltd. and Ors. .Vs. State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. A. Chaudhari, Advocate for petitioners.
Mr. S. S. Doifode, A.P.P. for respondent Nos.1 and 2.

CORAM : **ANIL L. PANSARE AND**
SIDDHESHWAR S. THOMBRE, JJ.
DATE : **SEPTEMBER 16, 2025**

On 26.08.2025, following order was passed:

"Heard.

*Leave to add (1) Manager, HDFC Bank, Mumbai
and (2) Manager, SBI Bank, Mumbai is granted.*

*Learned Additional Public Prosecutor seeks time
to file reply.*

*Learned counsel for the petitioners submits that
there is extreme urgency because the petitioners'
business has been halted. The reason being, current
accounts and private accounts belonging to the
petitioners have been debit frozen in a crime
registered in the year 2023 vide Crime No. 498/2023
against Kalkaam Real Infra (India) Limited (for short
'Kalkaam Company') and all the Directors of the
company. The argument is that none of the
petitioners has any nexus with Kalkaam Company
except entering into one commercial agreement in
the year 2017.*

*Learned counsel for the petitioners has invited
our attention to the notice issued by the Investigating
Officer of the Economic Offences Wing, Chandrapur
under Section 91 of the Code of Criminal Procedure,
1973 and Sections 4 and 8 of MPID Act stating
therein that FIR vide Crime No. 498/2023 under
Sections 420, 406, 409 read with Section 34 of the
Indian Penal Code and under Section 3 of the MPID
Act is registered against Kalkaam Company and that
notice is issued to the Manager, HDFC Bank,
Chandrapur wherein the Investigating Officer has*

directed the bank to debit freeze the accounts of the petitioners.

Learned counsel for the petitioners submits that the petitioners were not given any opportunity of hearing. Accordingly, he makes a request to permit the petitioners to operate two accounts.

Considering the fact that petitioners have been not heard and on the strength of the submissions made by the petitioners' counsel that petitioners have no nexus with Kalkaam Company, the purpose will be served, if by way of interim arrangement, permission is granted to operate two accounts out of the several accounts debit frozen by the Investigating Officer.

Upon this, the counsel for the petitioners submits that Account No.00801000008146 maintained by HDFC Bank, Sandoz House, Worli, Mumbai Branch and Account No. 06371600000456 maintained by HDFC Bank, Dhule Branch may be defrosted. The aforesaid accounts stand defrosted, until further order. The transactions, that will be made, shall be, however, subject to outcome of this petition.

List in the week commencing from 15-9-2025."

2. As could be seen, leave to add Manager, HDFC Bank, Mumbai and Manager, SBI Bank, Mumbai was granted. The amendment is not carried out till today. That apart, interim relief was granted to the petitioners. The petitioners, however, did not file compliance of Practice Note No.14, more particularly clause (5) thereof, which reads thus:

"5. In the matters in which the Court has granted ad-interim/interim reliefs, the Advocates must give written notice to the other side on the next day of granting of ad-interim/interim reliefs by fax/Speed Post/Telegram/Registered Post A. D. specifically informing the returnable date as fixed by the Hon'ble Court and file affidavit of service to that effect with the Additional Registrar (Judl. I) well in advance atleast prior to 4 days of the date fixed. If such notice is not given and affidavit of service is not filed, the matters will be dismissed for default."

3. Thus, the petitioners were under obligation to inform the respondents of next date saying that interim relief has been granted. The petitioners were further duty-bound to file affidavit of service, at least four days prior to listing the petition. The same has been not done. Registry, therefore, ought to have listed the petition for dismissal in terms of clause (5) of Practice Note No. 14. Registry failed to do so. Registrar (Judicial) shall take note of the lapse.

4. Counsel for the petitioners submits that inadvertently he failed to submit the compliance. He assured that necessary steps will be taken in three working days.

5. On the strength of such an assurance, we give yet another opportunity to the petitioners. Amendment shall be carried out within 24 hours, failing which the petition shall stand dismissed without further reference to the Court. So far as compliance of Practice Note No.14 is concerned, the same shall be done before the next date.

6. List in the week commencing from 29.09.2025.

(Siddheshwar S. Thombre,J.)

(Anil L. Pansare, J.)