

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 552 OF 2024

Keyur Madhusudan Shah

versus

Nizar Noorali Rangara And Ors

WITH

CRIMINAL REVISION APPLICATION NO. 553 OF 2024

Keyur Madhusudan Shah

versus

Nizar Noorali Rangara and anr.

WITH

CRIMINAL REVISION APPLICATION NO. 554 OF 2024

Keyur Madhusudan Shah

versus

Nizar Noorali Rangara and anr.

WITH

CRIMINAL REVISION APPLICATION NO. 555 OF 2024

Dahyabhai Share And Stock Brokers Ltd.,

versus

Nizar Noorali Rangara and anr.

WITH

CRIMINAL REVISION APPLICATION NO. 556 OF 2024

Dahyabhai Share And Stock Brokers Ltd

versus

Nizar Noorali Rangara and anr.

Mr. Anosh Sequeira along with Ms. Miloni Sheth and Ms. Rutika Ingle i/b.
V.R.Law, Advocates for Applicant in all matters.

Mr. Manish Bohra, Advocate for Respondents in all matters.

Ms. Kranti Hivrle, APP for Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.
DATE : 20th FEBRUARY, 2026.

P.C. :

1. By these revision applications, the applicants have challenged the impugned order dated 9th May 2022 passed by learned Additional Sessions Judge, City Civil and Session Court, Greater Mumbai (for short “the Appellate Court”) in Criminal Appeal No.152 of 2018 thereby allowing the appeals filed by respondent Nos.1 and 2 directing, to add Official Liquidator as party-respondent. The Appellate Court has set-aside the judgment and order dated 6th January 2018 passed by learned Metropolitan Magistrate, 70th Court, Mazgaon, Mumbai, by which, respondent Nos.1 and 2 were convicted for the the offences punishable under Section 138 read with 141 of the Negotiable Instruments Act, 1881.

2. Learned counsel for the applicants submits that the learned Sessions Court be directed to examine the Official Liquidator or his representative as witness before the Sessions Court without adding him as a party-respondent.

3. Learned counsel for respondent Nos.1 and 2 submits that respondent Nos.1 and 2 want to prove their case by examining the Official Liquidator or his representative to ascertain whether the accounts of accused No.1-Company and respondent Nos.1 and 2 were blocked due to

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official reason or any other reason which was beyond the control of respondent Nos.1 and 2.

4. Both learned counsel submit that the applications be disposed by giving direction to the Sessions Court to permit the parties to examine the Official Liquidator or his representative as witness in support of their contentions.

5. In view of above, I pass following order :

O R D E R

- (i) The applications are partly allowed.
- (ii) The direction given by learned Sessions Court to implead the Official Liquidator as party respondent is quashed and set-aside.
- (iii) The Official Liquidator or his representative can be examined as witness by either of the parties.
- (iv) As this Court has come to the conclusion that the Official Liquidator cannot be added as party, learned Sessions Judge shall permit both the parties to lead evidence in support of their case as directed under Section 391 of the Cr.P.C. and examine the Official Liquidator or his representative as witness.
- (v) All contentions of both parties are kept open.
- (vi) It is made clear that the matter is remanded back for only this limited purpose to learned Sessions Court. The learned Sessions

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Court shall examine the Official Liquidator or his representative as witness and decide the appeals on its own merits.

The revision applications stand disposed of in above terms.

(SHIVKUMAR DIGE, J.)