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

CRIMINAL WRIT PETITION NO.337 OF 2025

1. Viraj s/o Suhas Patil,
Aged about 31 Years,
Occupation : Business,
R/o. D-103, Shivangan,
Dahisar CHS Ravalpada,
Dahisar, Mumbai – 400068. **.... PETITIONER**

// VERSUS //

1. State of Maharashtra,
Through Director General of Police,
State of Maharashtra,
State Police Headquarter,
Old Council Hall, Shahid Bhagat Singh
Marg, Mumbai – 01.

2. Police Station Officer,
Police Station Nandanwan, Nagpur,
Taluka and District Nagpur.

3. Economic Offences Wing (EOW)
Nagpur City, Police Bhavan Civil Lines,
Nagpur, Taluka and District Nagpur.

4. Police Station Officer,
Police Station Amboli,
Taluka and District Mumbai.

5. Economic Offences Wing (EOW),
Mumbai Unit No.8,
Mumbai,
Talukla and District Mumbai.

6. Police Station Officer,
Police Station Islampur,
Taluka Walva, District Sangli.

7. State of Maharashtra,
Through Police Station Officer,
Kaleparal, District Pune City.

8. State of Maharashtra
Through Police Station Officer,
Shahpuri, District Satara.

9. Suraj Madhukar Savarkar,
Age : 30 Years,
Occupation : Business,
R/o. Takli (Za), Tahsil Seloo,
District – Wardha.

10. Surendra Madhukar Savarkar,
Age : 29 Years,
Occupation : Business,
R/o. Takli (Za), Tahsil Seloo,
District – Wardha.

11. Dr. Nilesh Nareshrao Raut,
Age : 46 Years,
Occupation : Medical Practice,

12. Dr. Priti Nilesh Raut,
Age : 44 Years,
Occupation : Medical Practice,
Nos.11 and 12 R/o. Plot No.25,
C/o. Pravin Chambhare,
Shrinagar Layout, Behind
Daygavhane Hospital, Wardha,
District Wardha.

13. Prasannajit Pashupati Das,
Aged about 26 Years,
R/o. A/6, Ramdev Bagan Golmuri,
Jamshedpur, East Singbhumi
(Jharkhand) – 700064,
Also at R/o. C/o. Presidency
Correctional Home, Alipur,
Kolkata (West Bengal).

14. Shaileshkumar Pande (in custody)
Aged : Major,
Occupation : Chartered Accountant,
R/o. C/o. Presidency Correctional
Home, Alipur, Kolkata (West Bengal). **.... RESPONDENTS**

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Mr. Akshay Naik, Senior Advocate assisted by Mr. K. S. Motwani, Advocate for petitioner.
Mr. S. S. Doifode, APP for State.
Ms. Bhavya Dhruv, Advocate for respondent No.9.
Mr. Kaustubh Bhise, Advocate for respondent No.10.
Mr. Shyam Jaiswal, Advocate for respondent Nos.11 and 12.

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CORAM : URMILA JOSHI-PHALKE AND NIVEDITA P. MEHTA, JJ.
RESERVED ON : 27.04.2026
PRONOUNCED ON : 06.05.2026

<u>ORAL JUDGMENT :</u> [Per : URMILA JOSHI-PHALKE, J.]

1. Heard.

2. **Rule**. Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

3. Present petition is preferred by the petitioner for direction and to club the proceedings of Special Case No.814/2024 pending in the Court of Special Court (MPID), Nagpur which is arising out of Crime No.94/2024 and Special Case No.573/2025 pending in the Court of Special Court and 20th Additional Sessions Judge of City Civil and Sessions Court, Mumbai, and to club the proceedings arising out of Crime No.89/2025 registered with Police Station, Kaleparal, District Pune for the offences punishable under Sections 420, 406, 409, 120B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short 'MPID Act') and

First Information Report in connection with Crime No.260/2025 dated 12.06.2025 registered with Islampur Police Station, District Sangli for the offence punishable under Sections 420, 406, 409, 120B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the MPID Act and Crime No.252/2025 registered at Shahpuri Police Station, District Satara for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

4. The petitioner is arrayed as an accused in connection with Crime No.94/2024 registered at Nandanvan Police Station, Nagpur under Sections 420, 409, 406, 418, 120B read with Section 34 of the Indian Penal Code and under Section 66D of the Information Technology Act, and under Section 3 of the MPID Act, bearing Special Case No.814/2024 along with the other co-accused. Another Crime No.970/2024 is also registered against the present petitioner at Amboli Police Station, Mumbai under Sections 406, 409, 420, 120B read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the MPID Act.

5. During pendency of these two crimes, another three crimes are registered against the present petitioner vide Crime No.89/2025 at Kaleparal Police Station, Pune for the offence punishable under Sections 420, 406, 409, 120B read with Section 34 of the Indian Penal Code and under Sections 3 and 4

of the MPID Act, Crime No.260/2025 at Islampur Police Station, District Sangli under Sections 420, 409, 406, 120B read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of MPID Act, whereas Crime No.252/2025 was registered at Shahpuri Police Station, District Satara under Section 420 read with Section 34 of the Indian Penal Code.

6. As per the allegations levelled against the petitioner is that during 24.06.2022 to 24.02.2024 the petitioner induced the various investors to invest the amount in the business by creating or offering the platform of education in respect of Forex trading, Crypto trading etc.

7. The crime was registered at Nagpur Police Station on the basis of a report lodged by Vikram Laxman Bajaj on an allegation that he came to know about IX Global Company through co-accused Suraj Sawarkar and said company involves in the business of creating or offering the platform of education in respect of Forex trading, Crypto trading etc. He has subscribed the services of IX Global by paying membership fees. On or about 24.06.2022, the complainant and his other family members invested the huge amount with the present petitioner. The said amount was transferred in the account of PR Traders, Canara Bank, Branch Kolkata. Despite it was assured that he would earn profit to the extent of 8 % of his total investment,

initially, some amount was credited in the account of his wife, but subsequently, he has not received any substantial profit and therefore, he approached to the Police Station and lodged a report.

8. As per the contention of the petitioner, initially, Crime No.290/2022 was registered with Hare Street Police Station, Kolkata for the offence punishable under Sections 420, 467, 468, 471 read with Section 120B of the Indian Penal Code against five accused namely Aman Thakur(TM Traders), Kaushal Kumar Shah (K.K. Traders), Rakesh Kumar Singh (MR Traders), Pankaj Kumar Tiwari (PK Traders) and Rahul Kumar Akela (RK Trading). The said offence was registered at the instance of one Rahul, Ranjan, Regional Manager, Canara Bank, Kolkata. The sum and substance in the said FIR was the accused persons named in the complaint entered into criminal conspiracy and pursuance to that they opened fictitious accounts vide account No.120001761068 and account No.120001761042 with Canara Bank by forged documents and used those accounts to make fictitious transactions involving Rs.77 Crores for the purpose of cheating.

9. It was further alleged that in Crime No.290/2022 that M/s TM Traders and KK Traders approached the Canara bank, Narendrapur Banch for opening of current accounts in their names and they have submitted account opening forms along

with KYC documents. There were huge debit entries noticed within the span of less than a month, and therefore, bank figured out that no such parties are carrying out their business at their given address, which resulted into lodging of the said FIR. During the course of investigation, it revealed that investors have transferred money to the accounts in question, therefore, the statements of the said investors were recorded and the investigating agency learned about Forex trading as well as IX Global trading. During investigation, from the statement of one Viraj Suhas Patil name of the petitioner was transpired, and thereafter, the petitioner came to arrested and subsequently, the various FIR's as mentioned above were registered against the petitioner and the other co-accused on the basis of the reports lodged by different investors. It is contended by the petitioner that most of the accused who arrayed as an accused in crime No.94/2024 at Nagpur are already made accused in Crime No.290/2022 and 297/2022. Once the FIR is already registered at Kolkata vide Crime No.290/2022, the subsequent FIRs for being part of same transaction are not permissible in law. It is further submitted that the investigation in two Crimes 94/2024 and 970/2024 is already completed and the charge sheet is already filed. The other three crimes i.e. Crime No.89/2025, 260/2025 and 252/2025 respectively at Kaleparal Police Station, Pune, Islampur Police Station Sangli and Shahpuri Police Station, District Satara are under investigation. The nature of allegation made in all the FIRs are identical as those are related to the financial fraud attributed to the IX Global, therefore, all the FIRs are required to be clubbed together as all the FIRs arises from the same event and connected chain of events and hence, this petition.

10. The said petition is strongly opposed by the respondent No.3 on the ground that the investors are approaching to the police Authorities for registering the offence against the petitioner, and therefore, the answering respondent have registered the complaint in view of the judgment of the Apex Court in **Lalita Kumari's** case. The stand taken by the petitioner that it would consume the considerable time and it would be difficult to ascertain as to when all these trials would concluded and it will be again impracticable to conduct trial at a different place requires no consideration, as there are other accused in different cases along with the petitioner. Therefore, the petition deserves to be dismissed. Similar stand is taken by the respondent Nos.1, 2, 4, 5 and 6.

11. Heard learned Senior counsel Mr. Naik for the petitioner, who submitted that the petitioner is incarcerated in various crimes, the trial wherein the charge sheet is already filed has not been commenced. If the trials are conducted in different

Courts of MPID, it would consume a considerable time and it would be difficult to ascertain as to when all these trials would be concluded. It would be inconvenient for the witnesses also to visit at various Courts, and therefore, it would be convenient for the Court to appreciate the evidence and the lengthy procedure would be avoided. The evidence can be recorded conjointly and this would bring certainty to the entire process which is most effective way of dealing with the grievance of the various investors.

12. On the contrary, learned APP strongly opposed the said contention and submitted that the clubbing of the trials cannot be sought by way of right and the provisions contained in the Code of Criminal Procedure do not confer any such right on the accused persons. He submitted that there are multiple FIRs and large number of witnesses are to be examined, and therefore, clubbing of the trials would not be convenient way to deal with these trials, and therefore, the petition deserves to be dismissed.

13. Before we advert to the issue, it is necessary to go through the various provisions in the Code of Criminal Procedure. The Code of Criminal Procedure gives the detail mechanism for conduct of trials and inquiries. Chapter XIII of the Code deals with the jurisdiction of the Criminal Courts in inquiries and trials. Section 177 states that every offence shall ordinarily be inquired

into and tried by a Court in whose jurisdiction it was committed. Chapter XVI deals with the charges and joinder of parties. Section 218 to Section 223 deals with various circumstances and how the charge can be framed in these circumstances. Section 218 states that for every distinct offence, of which any person is accused there shall be a separate charge, and every such charge shall be tried separately. Sub-section (2) of Section 218 contends that nothing in sub-section (1) shall affect the operation and provisions of sections 219, 220, 221 and 223.

14. Section 219 of the Code is an exception and deals with the circumstance when a person is accused of more offences than one of the same kind committed with the space of twelve months from the first to the last of such offences. It is in respect of the same person or not and in such case, it may tried to one trial, for any number of them or not is also dealt by this Section. Section 220 deals with the exception to Section 218 when one trial is permitted, if in one series of acts so connected together as to form the same transaction, where more than one offence are committed by the same person, then he may be charged with, and tried in one trial, for every such offence. Section 223 contemplates a situation when two or more persons may be charged and tried together jointly. Section 223 permits joint charge and joint trial in case of persons accused of the same

offence committed in the course of the same transaction or persons accused of different offences committed in the course of the same transaction. Section 184 which contains a provision determining the place of trial for offences triable together which reads as under:

> ***184. <u>Place of trial for offences triable together</u>***
>
> *Where-*
>
> *(a) the offences committed by any person are such that he may be charged with, and tried at one trial for, each such offence by virtue of the provisions of section 219, section 220 or section 221, or*
>
> *(b) the offence or offences committed by several persons are such that they may be charged with and tried together by virtue of the provisions of section 223, the offences may be inquired into or tried by any Court competent to inquire into or try any of the offences.*

15. Thus, from this provisions, it reveals that separate trial is a rule, however, the contingencies contained in Section 219, 220, 221 and 223 are exceptions to this Rule. One of the exceptions is when the series of acts are so connected together as to form the same transaction and more offences than one are committed by the same person, he may be tried at one trial in terms of Section 220.

16. The issue as to whether the offences are committed in the course of same transaction is dealt by the Hon'ble Apex

Court in **State of A P Vs. Cheemalapti Ganeswara Rao & Anr**. reported in **(1964) 3 SCR 297**, wherein while interpreting the term "same transaction" the Hon'ble Apex Court observed as under:

> *"27....Whether a transaction can be regarded as the same would necessarily depend upon the particular facts of each case and it seems to be a difficult task to undertake a definition of that which the Legislature has deliberately left undefined. We have not come across a single decision of any Court which the Legislature has embarked upon the difficult task of defining the expression. But it is generally thought that where there is proximity of time or place or unity of purpose and design or continuity of action in respect of a series of acts, it may be possible to infer that they form part of the same transaction. It is, however, not necessary that every one of these elements should co-exist for a transaction to be regarded as the same."*

17. It is further held that:

> *"30.....Where, however, several offences are alleged to have been committed by several accused persons it may be more reasonable to follow the normal rule of separate trials. But here, again, if those offences are alleged not be wholly unconnected but as forming part of the same transaction the only consideration that will justify separate trials would be the embarrassment or difficulty caused to the accused persons in defending themselves."*

18. This Court in **Writ Petition No.2784/2018 in Pramod Bhaichand Raisoni and ors vs. The State of Maharashtra & Anr decided on 02.05.2019** dealt with the above circumstances and by referring the judgment of **Mohan Baitha and Ors Vs. State of Bihar and Ors** reported in AIR 2001 SC 1490 wherein it was observed as follows:

"It may be noticed that under Section 220 of the Code of Criminal Procedure, offences more than one committed by the same persons could be tried at one trial, if they can be held to be in one series of acts, so as to form the same transaction. The expression "same transaction" from its very nature is incapable of an exact definition. It is not intended to be interpreted in any artificial or technical sense. Common sense and the ordinary use of language must decide whether on the facts of a particular case, it can be held to be in one transaction. It is not possible to enunciate any comprehensive formula of universal application for the purpose of determining whether two or more acts constitute the same transaction. But the circumstances of a given case indicating proximity of time, unity or proximity of place, continuity of action and community of purpose or design are the factors for deciding whether certain acts form parts of the same transaction or not. Therefore a series of acts whether are so connected together as to form the same transaction is purely a question of fact to be decided on the aforesaid criteria."

19. In view of the above said observations of the Hon'ble Apex Court, it can be said that if there is any proximity of time or place or unity or purpose and design or continuity of action in respect of acts, it can be said that the acts form parts of the same transaction. Thus, the connection between series of acts is an essential ingredient for those acts to constitute the same transaction.

20. The similar issue was before the Hon'ble Apex Court in **Bhagwan Dass Jagdish Chander Vs. Delhi Aministration** reported in **1975(1) SCC 866**, wherein Hon'ble Apex Court observed "We do not propose to attempt, in this case, the task of defining exhaustively what constitutes the same transaction

within the meaning of Section 239 of Criminal Procedure Code corresponding to Section 223 of the Criminal Procedure Code. It is practically impossible as well as undesirable to attempt such a definition of a concept which has to be necessarily elastic.”

21. It is further observed that:

> *"The connection between a series of acts seems to us to be an essential ingredient for those acts to constitute the same transaction and, therefore, the mere absence of the words 'so connected together as to form in clause (a), (c) and (d) of Section 239 would make little difference. Now, a transaction may consist of an isolated act or may consist of a series of acts. The series of acts which constitute a transaction must of necessity be connected with one another and if some of them stand out independently, they would not form part of the same transaction but would constitute a different transaction or transactions.*
>
> *Therefore, even if the expression 'same transaction' alone had been used in Section 235(1) it would have meant a transaction consisting either of a single act or of a series of connected acts. The expression 'same transaction' occurring in clauses (a), (c) and (d) of Section 239 as well as that occurring in Section 235(1) ought to be given the meaning according to the normal rule of construction of statutes".*

22. Applying the above said principle, the Division Bench of this Court in case of **Adnan Bilal Mulla Vs. State of Maharashtra** reported in **2006 (1) Mh.L.J.572** has permitted a joint trial in respect of the bomb blast which occurred at Mumbai. This aspect was also considered by the Hon’ble Apex Court in the case **Amanat Ali Vs. State of Karnataka (2023) 14 SCC 801**, wherein the Hon’ble Apex Court observed in para No.8 “Hence, following the principles laid down in **Amish Devgan Vs. Union**

of India (2021) 1 SCC 1, we deem it appropriate to exercise power conferred under Article 142 of the Constitution of India to accede to the relief claimed to the extent of consolidation of the FIRs registered in the State of Madhya Pradesh for being tried together as one trial as far as possible, as we are of the opinion that multiplicity of the proceedings will not be in the larger public interest and State also"

23. Similarly, in the case of **Radhey Shyam vs State of Haryana and others** reported in **2022 SCC OnLine SC 1935**, wherein also the relief of clubbing of all the FIRs in connection with the network marketing scheme was permitted by the Hon'ble Apex Court.

24. In the case of **Abhishek Singh Chauhan Vs. Union of India and others** reported in **2022 SCC OnLine SC 1936,** wherein also the said clubbing of various FIRs registered in various State was permitted by the Hon'ble Apex Court.

25. In the case of **Satinder Singh Bhasin vs. State of Uttr Pradesh and another** reported in **(2023) 14 SCC 805**, it is observed in para No.25 that:

> *"Suffice it to note that the principal FIR filed in first point of time was registered by the Kasna Police Station in Greater Noida being FIR No.353/2015 dated 09.06.2015. More or less, similar allegations are made in the subsequently filed FIRs by different buyers of the units in the commercial building concerned. As many as 41 FIRs have been filed across the State of Uttar Pradesh and 5 FIRs in the Government of NCT of*

Delhi. We hasten to add that Government of NCT of Delhi has no objection to club these FIRs along with the principal FIR."

*"26. Accordingly, following the principle enunciated by this Court in **Amish Devgan V. Union of India** (supra) so also the peculiar facts of the present case, we, in exercise of power under Article 142 of the Constitution of India, accede to the relief claimed in terms of the prayer clause (b) of consolidation of all FIRs, including registered in New Delhi with FIR No.353/2015 as the principal FIR and for being proceeded with in accordance with law, as we are of the opinion that multiplicity of the proceedings will not be in the larger public interest as well."*

26. Similarly, the Hon'ble Apex Court in the case of **Public Interest Litigation Vs. Union of India** reported in **2011(1) SCC 560**, wherein the offence was registered as CBI alleged the offences under the Prevention of Corruption Act and criminal conspiracy in respect of grant of Unified Access Service Licenses in the year 2008 against various Government officials, persons and companies. They were charged with abusing the official to a few selected companies at a nominal rate by rejecting the applications of others without any valid reason thereby causing wrongful loss to the Government of India and a corresponding wrongful loss to the various private persons and companies which was more than Rs.22,000 Crores. While dealing with the said contention the Hon'ble Apex Court by referring the judgment of **Essar Teleholdings Ltd Vs. CBI** observed that :

*"20. Read in the backdrop of Sections 220 and 223, it is clear that a discretion is vested with the Court to order a joint trial. In fact, in **Chandra Bhal V. State of U.P., (1971) 3 SCC 983**, this Court stated: "Turning to the provisions of the Code, Section 233 embodies the general mandatory rule*

providing for a separate charge for every distinct offence and for separate trial for every such charge. The broad object underlying the general rule seems to be to give to the accused a notice of the precise accusation and to save him from being embarrassed in his defence by the confusion which is likely to result from lumping together in a single charge distinct offences and from combining several charges at one trial. There are, however, exceptions to this general rule and they are found in Sections 234, 235, 236 and 239. These exceptions embrace cases in which one trial for more than one offence is not considered likely to embarrass or prejudice the accused in his defence. The matter of joinder of charges is, however, in the general discretion of the court and the principle consideration controlling the judicial exercise of this discretion should be to avoid embarrassment to the defence by joinder of charges. On the appellant's argument the only provision requiring consideration is Section 235(1) which lays down that if in one series of acts so connected together as to form the same transaction more offences than one are committed by the same person then he may be charged with and tried at one trial for every such offence. This exception like the other exceptions merely permits a joint trial of more offences than one. It neither renders a joint trial imperative nor does it bar or prohibit separate trials. Sub-section (2) of Section 403 of the Code also provides that a person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under Section 235(1). No legal objection to the appellant's separate trial is sustainable and his counsel has advisedly not seriously pressed any before us."

"21. The other contention of learned senior counsel for the petitioners before us has already been answered by this Court by upholding both the administrative order dated 15.3.2011 and the NCT notification dated 28.3.2011. This Court having held that the administrative order dated 15.3.2011 of the High court was valid, it is clear that even a Penal Code offence by itself - that is, such offence which is not to be tried with a Prevention of Corruption Act offence - would be within the Special Judge's jurisdiction inasmuch as the administrative order of the High Court gives power to the Special Court to decide all offences pertaining to the 2G Scam. In fact, once this order is upheld, the learned senior advocate's argument based on Section 4(3) of the Prevention

of Corruption Act pales into insignificance. This is for the reason that independent of Section 4(3) of the Prevention of Corruption Act and of the notification dated 28.3.2011, the Special Judge has been vested with the jurisdiction to undertake the trial of all cases in relation to all matters pertaining to the 2G Scam exclusively, which would include Penal Code offences by themselves, so long as they pertain to the 2G Scam. Shri Salve cited State (through CBI, New Delhi) v. Jitender Kumar Singh, (2014) 11 SCC 724, and paragraph 38 in particular to submit that a Special Judge appointed to try Prevention of Corruption Act cases, cannot try non Prevention of Corruption Act cases unless there is a causal link between such cases and the Prevention of Corruption Act cases, in which case they must be tried together. As has been held by us, once the challenge to the administrative order dated 15.3.2011, is specifically rejected, the offences arising out of the second supplementary chargesheet, being offences under the Penal Code relatable to the 2G scam, can be tried separately only by the Special Judge."

27. The Hon'ble Apex Court in the case of **State of Jharkhand through SP, CBI Vs. Lalu Prasad @ Lalu Prasad Yadav** reported in **2017 (8) SCC 1** while dealing with the power conferred under Section 220 and 223 of the Criminal Procedure Code interpreted the said provisions and observed as follows:

"29. It is apparent from section 212 read with section 219 that there have to be separate trials for different years covering the period of more than one year. Same kind of offence is a different thing than the "same offence" for the purpose of sections 219, 220 or 300. The scheme of law is clear that separate charges for distinct offences must be framed separately and they cannot be clubbed together for more than one year.

30. This Court in ***Natwar Lal Sakar Lal Mody v. The State of Bombay 26 (1984) DLT 64*** *considered the question of joint trial of persons and offences for conspiracy as per provisions contained in section 239(d) of the old Cr.P.C. This Court has laid down that separate trial is the rule and joint trial is an exception. Joint trial would be an irregular exercise of discretion* *if a court allows innumerable offences spread over a long period of time and committed by a large number of persons to be under the protecting wings of an all-embracing conspiracy, and if each or some of the offences can be separately tried, it would be appropriate and lawful. Joint trial prolongs the trial and causes waste of judicial time and complicates the matter which might otherwise be simple, and it would confuse the accused and cause prejudice to them. Court should not be overzealous to provide a cover of conspiracy for a number of offences unless it is satisfied that the persons who committed separate offences were parties to the conspiracy and committed the separate acts pursuant to conspiracy. This Court has laid down thus :*

> *"11. This discussion leads us to the following legal position. Separate trial is the rule and joint trial is an exception. While Section 239 of the Code of Criminal Procedure allows a joint trial of person and offences within defined limits, it is within the discretion of the Court to permit such a joint trial or not, having regard to the circumstances of each case. It would certainly be an irregular exercise of discretion if a Court allows an innumerable number of offences spread over a long period of time and committed by a large number of persons under the protecting wing of all-embracing conspiracy, if each or some of the offences can legitimately and properly form the subject-matter of a separate trial; such a joint trial would undoubtedly prolong the trial and would be a cause of unnecessary waste of judicial time. It would complicate matters which might otherwise be simple; it would confuse accused and cause prejudice to them, for more often than not accused who have taken part in one of the minor offences might have not only to undergo the long strain of protracted trial, but there might also be the likelihood of the impact of the evidence adduced in respect of other accused on the evidence adduced against him working to his detriment. Nor can it be said that such an omnibus charge or charges would always be in favour of the prosecution for the confusion introduced in the charges and consequently in the evidence may ultimately benefit some of the accused, as a clear case against one or other of the accused may be complicated or confused by the attempt to put it in a proper place in a larger setting. A Court should not be overzealous to provide a cover of conspiracy for a number of offences unless it is clearly satisfied on the material placed before it that there is*

> *evidence to prove prima facie that the persons who committed separate offences were parties to the conspiracy and they committed the separate acts attributed to them pursuant to the object of the said conspiracy."*
>
> *(Emphasis supplied)*

28. In the present case, the allegations levelled against the present petitioner and other co-accused relate to similar transactions of the investors obtaining the investments under the pretext of involvement in the business of creating or offering the platform of education in respect of Forex trading, Crypto trading etc. It was alleged that the amounts were invested by the various investors on the inducement for the services of IX Global by paying membership fees and the investors have invested the huge amount as they were induced to invest on a promise of payment of 8% profit on total investment. In each FIR the nature of transaction is identical. The provisions of MPID having been invoked against all the accused persons and the charge sheet is already filed in two crimes i.e. Crime No.94/2024 which was registered at Nandanvan Police Station, Nagpur and Crime No. 970/2024 registered at Amboli Police Station, Mumbai. Considering the nature of the allegation is similar, therefore, it would be in the interest of justice to assign all the matters to one Court of MPID which would also be in the interest of the prosecution, prosecuting agency and would also ensure fair and

speedy trial to the present petitioners who are arraigned as accused.

29. Learned counsel for the accused Nos.9,10,11,12 though raised the minor objection however, subsequently, they have extended their consent to allow the prayer of the petitioner. We do not find that there is any prejudice caused to the prosecution by clubbing of trials. Trial of two cases pending before two different MPID Courts alongwith three other offences registered at Kaleparal Police Station, Pune, Islampur Police Station, District Sangli and Shahpuri Police Station, District Satara under the provisions of IPC and MPID is a time consuming process and if the trials are clubbed together, number of witnesses cited can also be reduced to the minimum and the relevant evidence would be the basis of any trial for determining the guilt of any accused.

30. The Maharashtra Protection of Interest of Depositors Act is a special enactment in the interests of depositors and to deal with such financial establishments in the State, who are grabbing money received as deposits from the public. The said legislation intends to cure the grievances of depositors and the fraudulent default of the financial establishments and the accused in such types of offences which can be termed as a unique class of white collared and organised crime. The

petitioner and the other co-accused allegedly obtained the deposits on the promise of giving handsome returns. The procedure contemplated under the special enactment intent to prevent the loss of the depositors and protect the interest of the depositors. There is no other way available to the said unsecured depositors in absence of the procedure prescribed in the enactment. The State being the custodian of the welfare of the subjects cannot be a silent spectator, it is the duty of the State to assist to render justice to such depositors.

31. We, therefore, deem it expedient to exercise our powers conferred on us by virtue of Section 407 of the Code of Criminal Procedure to transfer the two criminal cases against the petitioner and other co-accused pending in different Special MPID Courts in the State to be transferred to the learned 20th of Additional Sessions Judge of City Civil and Sessions Court, Mumbai. On such transfer, the learned Special Court i.e. 20th of Additional Sessions Judge of City Civil and Sessions Court, Mumbai, after receiving the charge sheet in other three crimes which are registered at Kaleparal Police Station District Pune, Islampur Police Station, District Sangli and Shahpuri Police Station District Satara, conduct the trials.

Rule is made absolute in terms of prayer clause (i)

(NIVEDITA P. MEHTA, J) **(URMILA JOSHI-PHALKE, J)**

Sarkate.