

MHCC020046242023



BEFORE THE DESIGNATED COURT UNDER M. P. I. D. ACT
CITY CIVIL & SESSIONS COURT, Gr. BOMBAY.

ORDER BELOW EXH.15
IN
MPID MISC. APPLICATION NO.496/2023

Miss Dhruvika Madhusudan Satpalkar ..Ori. Applicant.

V/s.

1. EOW (The State of Maharashtra) ..Applicant/
Ori.Respondent No.1.
2. Competent Authority.
3. The State of Maharashtra ..Respondents

Appearance :-

Ld. Adv. Mr. Indesh Rathod for original applicant.

Ld. SPP Mr. Pradip Gharat for respondent.

CORAM : HHJ SHRI N.G. SHUKLA,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM No.20.
DATED : 19/07/2025.

ORDER

(Dictated and pronounced in open Court)

1. Ld. SPP Mr. Gharat on behalf of respondent no.1 has filed this application for permission to cross-examine the applicant. Ld. Advocate for applicant filed handwritten say overleaf of the application and opposed the same.

2. I have heard Ld. SPP Mr. Gharat for the respondent no.1 and Ld. Adv. Mr. Indesh Rathod for original applicant.

3. Main Misc. Application is filed by the applicant for two reliefs. First relief is for defreezing the bank account of the Trust and second relief is to raise attachment of the immovable property shop no.10 in Shree Sai Sharda (B-Wing) CHS, Bhavani Shankar Road, Dadar(W), Mumbai. After filing reply by respondent and on hearing both the sides, my Ld. Predecessor passed order dated 31.1.2024 and granted both the reliefs. In respect of second prayer of raising attachment, my Ld. Predecessor imposed condition on the applicant to furnish bank guarantee or surety of Rs.1 Crores for removing the attachment, which will be in force till final disposal of the case. Being aggrieved thereby, applicant had preferred Cr. Appeal No.249/2024. One investor Uday Kashinath Shanke (present intervener) had also filed Cr. Appeal No.262/2024 and impugned the order dated 31.1.2024.

4. The Hon'ble High Court while disposing of both the Appeals by common order dated 20.1.2025, observed in paras- 8 to 10 that, the observations in para-15 of the order dated 31.1.2024 are contradictory with the operative part of the said order. Therefore, the Hon'ble High Court had remanded back the matter for deciding Misc. Application No.496/2023 in MPID Case No.1148/2022 afresh by hearing both the sides.

5. In the backdrop of above facts, Main Misc. Application is kept for hearing. At the stage of hearing, Ld SPP moved the present application Exh.15 seeking permission to cross-examine the original applicant. It may be noted here that, during hearing of main application before my Ld. Predecessor, both the parties had laid evidence and opposite side had cross-

examined the applicant.

6. It is contention of Ld. SPP that, when the Hon'ble High Court remanded back the matter for afresh hearing, respondent has right to further cross-examine the applicant. Ld. Advocate for the applicant disputed said contention by submitting that respondent has already cross-examined applicant and has also filed *pursis* in that regard. Respondent has filed present application only to prolong the matter and hence, Ld Advocate for respondent prayed to reject the application.

7. I have gone through the order of the Hon'ble High Court dated 20.1.2025 by which the matter is remanded for fresh hearing. First of all, it may be noted that, it was not contention of the respondent before the Hon'ble High Court that, respondent had not got sufficient opportunity to cross-examine the applicant and that is not the ground to remand back the matter. Secondly, after careful reading of paras- 7 to 10 of the order of the Hon'ble High Court, it appears that, Hon'ble High Court has reproduced the observations in para-15 of impugned order dated 31.1.2024 and observed further that said observations in para-15 are in contradictory with the operative part of the impugned order. It is further ordered that, the matter will be remanded back to the MPID Court so that there is consistent operative part based on the reasons arrived at by the MPID Court. Thereby, it becomes clear that the Hon'ble High Court has remanded the matter back in view of contradictory observations in the reasoning part and operative part of the order dated 31.1.2024. The Hon'ble High Court has observed that the MPID Court has conducted summary enquiry u/s.7 before arriving at its conclusion. Hon'ble High Court has not observed that, while conducting such enquiry u/s.7 of the Act, respondent had not got opportunity to sufficiently cross-examine the applicant as there was no such

contention raised before the Hon'ble High Court by the Ld. SPP Mr. Gharat, who was representing the respondent before the Hon'ble High Court. Even there is no specific direction by the Hon'ble High Court to give opportunity to either of the parties to lead evidence while conducting fresh hearing. Hence, application Exh.15 filed by respondent is devoid of merits and cannot be allowed. In the result, I proceed to pass the following order:-

ORDER

1. Application (Exh.15) in MPID Misc. Application No.496/2023 is rejected and disposed of accordingly.
2. Ld. SPP and Ld. Advocate for the intervener are directed to argue the matter on next date.



(N.G. SHUKLA)

Designated Judge under MPID Act,
City Civil & Sessions Court,
Gr. Bombay (CR 20)

Dt.19.7.2025

Dictated on 19.7.2025

Transcribed and draft given to HHJ (through google-drive) on 21.7.2025.

Signed by HHJ on 21.7.2025.

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CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED
JUDGMENT/ORDER

Name of Steno : N.V Ubale (SG Stenographer)
Upload date and time : 21.7.2025 (at 03.37 pm)

Name of the Judge	H.H. THE ADDL. SESSIONS JUDGE, SHRI N. G. SHUKLA (C.R.No.20)
Date of Pronouncement of Order	19.7.2025
Order signed by PO. on	21.7.2025
Order uploaded on	21.7.2025