

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 434 OF 2023

Subhash Das and Ors. ...Petitioners

Vs.

The State of Maharashtra and Anr. ...Respondents

ALONGWITH
INTERIM APPLICATION NO. 1997 OF 2023
ALONGWITH
INTERIM APPLICATION (ST) NO. 3192 OF 2025
IN
CRIMINAL WRIT PETITION NO. 434 OF 2023

Chandrakant C. Shah ...Applicant

Vs.

The State of Maharashtra ...Respondent

ALONGWITH
CRIMINAL WRIT PETITION NO. 422 OF 2023

Bhupinder Singh Kumar and Ors. ...Petitioners

Vs.

The State of Maharashtra and Anr. ...Respondents

ALONGWITH
INTERIM APPLICATION (ST) NO. 3190 OF 2025
ALONGWITH
INTERIM APPLICATION NO. 1995 OF 2023

**IN
CRIMINAL WRIT PETITION NO. 422 OF 2023**

Chandrakant C. Shah ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Ashok Mundargi Senior Advocate, a/w Mr. Niranjana Mundargi, Mr. Aditya Mehta, Ms. Shivani Garg and Mr. Agneya Gopinath i/by Cyril Amarchand Mangaldas	Advocate for the Petitioner in WP 422 of 2023 and 434 of 2023
Ms. Sangeeta E. Phad	APP for the Respondent-State

**ALONGWITH
CRIMINAL WRIT PETITION NO. 420 OF 2023**

Chonnur Sambhu Krishnakumar and Ors. ...Petitioners

Vs.

The State of Maharashtra and Anr. ...Respondents

**ALONGWITH
INTERIM APPLICATION (ST) NO. 3189 OF 2025
ALONGWITH
INTERIM APPLICATION NO. 1996 OF 2023
IN
CRIMINAL WRIT PETITION NO. 420 OF 2023**

Chandrakant C. Shah ...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Shirish Gupte, Senior Advocate, Mr. Yashpal Thakur and Mr. Mukund Pandya	Advocate for the Petitioner in WP 420 of 2023
Ms. Sangeeta E. Phad	APP for the Respondent-State

**ALONGWITH
CRIMINAL WRIT PETITION NO. 439 OF 2023**

Amns Ports Hazira Limited
Formerly known as Essar Bulk
Terminal Limited

...Petitioner

Vs.

The State of Maharashtra and Anr.

...Respondents

**ALONGWITH
INTERIM APPLICATION (ST) NO. 3194 OF 2025
ALONGWITH
INTERIM APPLICATION NO. 1999 OF 2023
IN
CRIMINAL WRIT PETITION NO. 439 OF 2023**

Chandrakant C. Shah

...Applicant

Vs.

The State of Maharashtra

...Respondent

Senior Advocate Nikhil	Advocate for the Petitioner in WP
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Sakhardande a/w Adv. Shubhra Swamy a/w Adv. Swagata Ghosh a/w Advocate Ayan Tandon i/by Shardul Amarchand Mangaldas and Co.	439 of 2023
Ms. Sangeeta E. Phad	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 25th AUGUST 2025P. C. :-

1. Heard learned Senior Advocate Shri Sakhardande in Writ Petition No. 439 of 2023. He represents the private entity.
2. Heard learned Senior Advocate Shri Shirish Gupte in Writ Petition No. 420 of 2023. He represents accused Nos. 2 to 6.
3. Heard learned Senior Advocate Shri Mundargi in Writ Petition No. 422 of 2023. He represents accused nos. 8, 9, 10, 14, 15, 17 and 18. Also heard learned Advocate Shri Niranjana Mundargi in Writ Petition No. 434 of 2023 for accused Nos. 7, 11 and 16.
4. The sum and substance of their submission is as follows:-
 - (i) Even if the allegations in the complaint, alongwith the

documents are considered as it is, no offence under Section 405 read with Section 406 of the Indian Penal Code is made out.

(ii) First of all, there has to be entrustment and then not following directions and misusing the property or converting it in its own use, then there will be an offence under Section 405 read with Section 406 of the Indian Penal Code. According to them, it is missing.

(iii) Though there is a report under Section 202 of the Criminal Procedure Code, the Police have opined that this is a dispute relating to salary and it is a civil dispute.

(iv) The learned Magistrate has mechanically issued a process under Section 406 read with 34 of the Indian Penal Code without considering the role alleged against accused nos. 2 to 18.

(v) One more submission is made by learned Senior Advocate Shri Sakhardande, according to him, earlier the name of the employer/company in which the Complainant was ex-employee was Essar Bulk Terminal

Limited. It got changed to AMNS Ports Hazira Limited.

According to him, his client is not having relationship with the Petitioner being an employee.

5. All of them have completed their arguments.
6. Respondent in-person submitted that he wants to place reliance upon 26 judgments. He submitted that he has already served those judgments to learned Advocates for the Petitioners.
7. For paucity of time, stand over **19.09.2025** for hearing the Respondent.
8. Ad-interim relief granted in all these matters to continue till the next date.

[S. M. MODAK, J.]