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IN THE HON'BLE HIGH COURT OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. _____ OF 2026

DISTRICT: MUMBAI

Sanjay Hariram Agarwal

...Petitioner

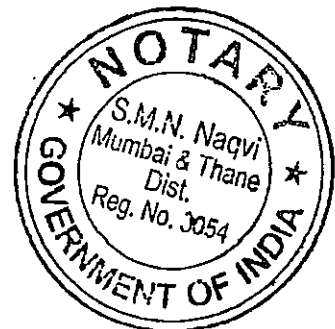
Versus

State of Maharashtra & Anr.

...Respondents

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A

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Challenge in brief -

By way of the present Criminal Writ Petition the Petitioner *inter alia* seeks that this Hon'ble Court by invoking the Writ Jurisdiction under Article 227 of the Constitution of India and Inherent powers under Section 528 of BNSS may issue appropriate writ, order or direction and the order dated 21.03.2025 passed by the Ld. Additional Chief Judicial Magistrate, 37th Court, Esplanade, Mumbai in C.C. No. 387/2023, whereby charges have been framed against the Petitioner for offences under Sections 420, 467, 468, 471, 114 and 120-B r/w 34 of IPC may kindly be quashed and set aside.

SYNOPSIS

The Petitioner herein is constrained to file the present Criminal Writ Petition being gravely aggrieved by the order dated 21.03.2025 whereby the Ld. Trial Court has directed framing of charges against the Petitioner under Sections 420, 467, 468, 471, 114 and 120-B r/w 34 of the IPC, though the allegations in the

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B

complaint and the material placed on record relate entirely to commercial transactions in Government Securities between Udhna Citizen Co-operative Bank Ltd. (hereinafter referred to as "complainant Bank") and Home Trade Limited (hereinafter referred to as "the Company"). The impugned order is legally unsustainable, suffers from total non-application of mind, and has resulted in a manifest error in law.

In the present case, the real question before the Ld. Trial Court was to test whether any ingredients of Sections 420, 467, 468, 471, 114 or 120-B are made out at all, particularly when the prosecution case, as emerging from the complaint itself, is founded entirely on purchase and sale of Government Securities through contract notes, payments through banking channels, and alleged non-delivery of certain securities.

The brief prosecution story, as alleged in the complaint, is that the complainant Bank, while engaging in Government Securities transactions, decided to purchase Government Security worth ₹3,00,00,000/-, and accordingly issued Cheque No. 648900 dated 05.03.2002 for ₹3,19,96,075/-, drawn on HDFC Bank pursuant to which Contract Note No. 7431 was issued by the Company.

The brief prosecution story, as alleged, is that the complainant bank, being required to invest in Government Securities, entered into transactions with Home Trade Limited through contract notes. The complaint records that payments were made by the complainant bank through cheques and banking channels for purchase of Government Securities and that, in the course of

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certain sale transactions, difference amounts were paid by Home Trade Limited to the complainant bank.

Despite the aforesaid nature of the allegations, an FIR bearing No. I-64/2002 dated 30.07.2002 came to be registered at Udhna Police Station alleging offences under Sections 406, 409, 420, 421, 422 and 34 of IPC. Upon investigation, a chargesheet came to be filed, and ultimately, vide the impugned order dated 21.03.2025, charges were framed under Sections 420, 467, 468, 471, 114 and 120-B read with Section 34 IPC, without analysing whether the statutory ingredients of the said offences are disclosed from the material on record.

The impugned order framing charge is a non-speaking and unreasoned order, which does not identify any specific incriminating material against the Petitioner, does not analyse how the ingredients of Sections 420, 467, 468, 471, 114 or 120-B IPC are made out against the Petitioner. This is contrary to the settled position that an order framing charge must reflect judicial application of mind, and violates the safeguards of Articles 14 and 21 of the Constitution, as pleaded in the present grounds.

Most recently, in *Urmila Devi v. Balram*, 2025 SCC OnLine SC 1574, the Hon'ble Supreme Court quashed criminal proceedings where a civil land/will dispute had been disguised as a criminal case, emphasising that criminal process cannot be used as a roundabout tool to abuse the process of law.

Hence the present Writ Petition.

LIST OF DATES

D

Dates	Events
1999-2000	<p>Udhna Citizen Co-operative Bank Ltd., being required to maintain Statutory Liquidity Ratio (SLR), carried out transactions of purchase and sale of Government Securities through brokers, initially through Ketan Seth & Co., Euro Asian Securities Limited and thereafter through Home Trade Limited, as recorded in the complaint.</p> <p>As stated in the complaint, the complainant Bank successfully carried out Government Securities transactions worth ₹41,93,812/- with Ketan Sheth & Co. and transactions worth ₹1,51,27,913/- with Euro Asian Securities Limited, prior to dealings with Home Trade Limited.</p>
January 2000	<p>The complainant Bank was informed that Euro Asian Securities Limited had changed its name to Home Trade, following which the Bank continued Government Securities transactions with Home Trade Limited.</p>

FE

February 2000- March 2002	During this period, as stated in the complaint and charge-framing order, the Bank entered into twelve (12) Government Securities transactions with Home Trade Limited, aggregating to ₹12,27,48,512/- through issuance of multiple contract notes and payments through banking channels.
05.03.2002	As per the complaint, the Bank purchased Government Security of 8.07% GOI 2017 under Contract Note No. 7431 involving an amount of ₹3,19,96,075/-, in respect of which physical delivery of the security was allegedly not given. The complaint further states that despite reminders, telephonic calls and visits, the physical delivery of certain Government Securities was not received by the Bank.
30.07.2002	That thereafter, the Bank lodged an FIR bearing No. I- 64/2002 at Udhna Police Station, Surat, alleging offences under Sections 406, 409, 420, 421, 422 and 34 of IPC, arising out of the alleged non-delivery of certain Government Securities.

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18.01.2003	That upon investigation, a Chargesheet No. 4/03 dated 18.01.2003 was filed against alleging commission of offences under Sections 406, 409, 420, 421, 422 and 34 of IPC against the accused persons including the Petitioner.
21.03.2025	That the Ld. Trial Court passed the impugned order framing charges under Sections 420, 467, 468, 471, 114 and 120-B r/w 34 IPC against accused persons, including the Petitioner, and did so without first deciding any objections or conducting a hearing under Section 239 CrPC.
2025	Hence, the present Criminal Writ Petition is filed assailing the impugned order dated 21.03.2025.

POINTS TO BE URGED:- as per memo

ACTS TO BE REFERRED: i) BNSS ii) IPC

POINTS FOR ARGUMENT: Mentioned in Memo.

AUTHORITIES TO BE CITED: As per oral submission

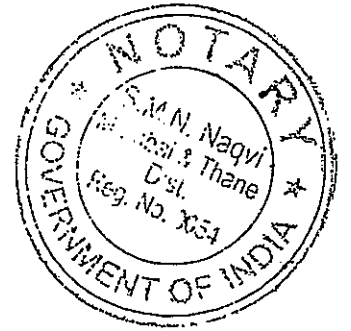
Place: Mumbai

Date: 08/01/2026


Advocate for Petitioner

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IN THE HON'BLE HIGH COURT OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. _____ OF 2026



DISTRICT: MUMBAI

In the matter of Article 227 of the
Constitution of India;

AND

In the matter of Sec. 528 of the
BNSS;

AND

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In the matter of C.C. No. 387/PW/2023 pending before the Ld. Chief Judicial Magistrate First Class, 47th Court, Esplanade, Mumbai.

AND

In the matter of impugned order dated 21.03.2025 passed by the Ld. Chief Judicial Magistrate First Class, 37th Court, Esplanade, Mumbai, thereby mechanically passing order framing charges against the Petitioner for offences under Sections 420, 467, 468, 471,114 and 120-B r/w 34 IPC.

Sanjay Hariram Agarwal

Aged: 60 years, Occ.: Business

Add: 7, Hari Sava Street, Kidderpore,

Kolkata – 700023

...Petitioner

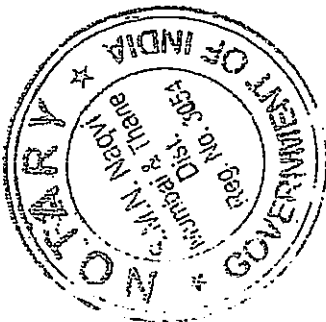
Versus

1) State of Maharashtra

2) State of Gujrat

(through Udhna P.S., Gujrat)

...Respondents



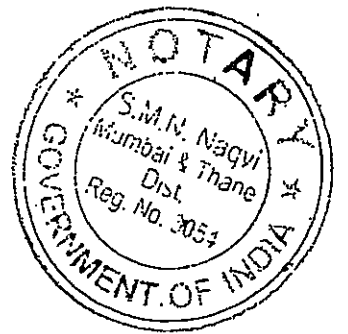
TO,

THE HON'BLE CHIEF JUSTICE AND OTHER HON'BLE
PUISNE JUDGES OF THE HON'BLE HIGH COURT OF
JUDICATURE AT BOMBAY.

HUMBLE PETITION OF THE
PETITIONER ABOVENAMED

MOST RESPECTFULLY SHOWETH:

1. That the Petitioner is constrained to approach this Hon'ble Court under Section 397 Cr.P.C. to prevent grave abuse of the criminal process arising from the impugned order dated 21.03.2025 passed by the Ld. Trial Court, whereby charges under Sections 420, 467, 468, 471, 114 and 120-B r/w 34 IPC have been mechanically framed against him in connection with certain Government Securities (G-Sec) transactions between Udhna Citizen Co-operative Bank Ltd. (hereinafter referred to as "the complainant Bank") and Home Trade Ltd. (hereinafter referred to as "the Company"). A copy of the impugned order alongwith Roznama of 21.03.2025 is annexed herewith as EXHIBIT 'A'.
2. The aforesaid C.C. No. 387/PW/2023 pending before the Ld. Addl. Chief JMFC, 47th Court, Esplanade, Mumbai arises out of FIR No. I-64/02 registered with Udhna P.S., Gujrat which was lodged alleging offences under Sections 406, 409, 420, 421, 422 and 34 of IPC, against the 20 Accused Persons. It is submitted that multiple cases/ FIRs

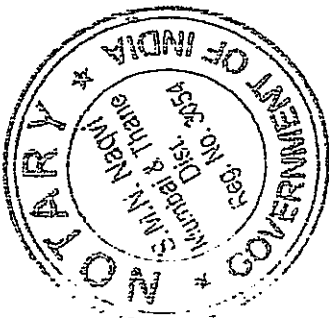


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were lodged against the Petitioner in different States, which were having common nature of allegations. Thus, the Petitioner had preferred a transfer petition before the Hon'ble Supreme Court and by order dated 09/09/2022, the transfer petition was allowed. The transfer petition was disposed of with the direction that cases be transferred from the courts, where those are pending, to the court of Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai. It was further directed that the Principal Judge would be at liberty to assign the cases to any of the Court situated in its jurisdiction to try all those cases. It is submitted that presently all these cases are pending before the Ld. Addl. Chief JMFC, 47th Court, Esplanade, Mumbai. A copy of the order dated 09/09/2022 passed by the Hon'ble Supreme Court is annexed herewith as EXHIBIT 'B'.

Brief facts

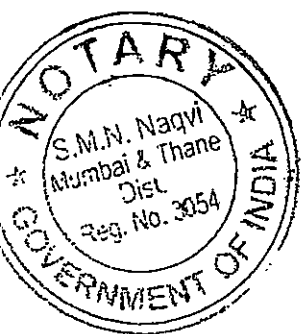
3. That the facts which only relevant for the present issue are mentioned in this Petition, though there are several orders in between which has no relevance to the issue raised in the present case for brevity and clarity. That the FIR bearing No. I-64/2002 dated 30.07.2002 came to be lodged at Udhna Police Station, Surat, alleging offences under Sections 406, 409, 420, 421, 422 r/w 34 of IPC in relation to the transactions between the Udhna Citizen Co-operative Bank Ltd. and Home Trade Limited. The complaint itself records that the dispute arose from alleged non-delivery of certain Government Securities after payments had been



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made and contract notes issued. A copy of the FIR is annexed herewith as EXHIBIT 'C'.

4. That the complainant Bank states that it was required to invest in Government Securities pursuant to the Statutory Liquidity Ratio (SLR) under the Banking Regulation Act and directions of the Reserve Bank of India, and that accordingly the Bank was carrying out purchase and sale of Government Securities through brokers.
5. That the complaint expressly records that with the approval Bank's investment committee initial transactions were carried out and completed, wherein:
 - transactions worth ₹41,93,812/- were conducted with Ketan Sheth & Co., and
 - transactions worth ₹1,51,27,913/- were conducted with Euro Asian Securities Limited,and that these transactions were completed, resulting in continued dealings between the parties.
6. That the complaint further records that in January 2000, the complainant was informed that Euro Asian Securities Limited had changed its name to Home Trade Limited, and that Home Trade Limited was a member of the National Stock Exchange, following which the Bank continued Government Securities transactions through Home Trade Limited.
7. That pertinently the complaint records that from February 2000 to March 2002, the complainant Bank conducted twelve (12) Government Securities transactions with Home Trade Limited for an aggregate value of ₹12,27,48,512/- (Rupees Twelve Crores Twenty-Seven Lakh Forty-Eight



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Thousand Five Hundred and Twelve Only). These transactions are recorded as purchase and sale transactions of Government Securities undertaken in the ordinary course of banking investment.

8. That pertinently the complaint and the chargesheet expressly records that several Government Securities were purchased and sold in the course of such transactions and that payments were made through banking channels. The grievance, as stated in the complaint, pertains to alleged non-delivery of physical possession of certain Government Securities in respect of a specific transaction, mainly transaction relating to Government Security i.e. 8.07% G.O.I. 2017, in respect of which an amount of ₹3,19,96,075/- was paid by the complainant Bank to Home Trade Ltd. by HDFC Bank Cheque No. 6489000 dated 05.03.2002, and Contract Note No. 7431 was issued which forms the subject matter of the present criminal proceedings.
9. That as per the complaint, the said cheque was honoured, and it was stated that the physical delivery of the purchased Government Security was to be made within a specified period. However, the complaint records that after expiry of the said period, the physical delivery of the said Government Security was not given despite demands made by the complainant Bank.
10. That throughout the complaint, the complainant Bank narrates that several Government Securities transactions were undertaken for SLR compliance, wherein:

- multiple purchase transactions were carried out,

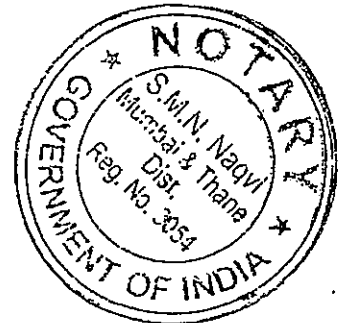


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- payments were made through banking channels,
- contract notes were issued,
- the dispute is stated to have arisen only with respect to alleged non-delivery of physical securities in certain transactions.

Thus, the complaint essentially relates to a case of unpaid seller or delivery of goods which is purely civil in nature.

11. That despite it being purely a commercial/ civil dispute arising from contract notes, surprisingly a FIR bearing No. I-64/2002 dated 30.07.2002 came to be lodged at Udhna Police Station, Surat, alleging offences under Sections 406, 409, 420, 421, 422 r/w 34 of IPC in relation to the transactions between the Udhna Citizen Co-operative Bank Ltd. and Home Trade Limited. The complaint itself records that the dispute arose from alleged non-delivery of certain Government Securities after payments had been made and contract notes issued.
12. That thereafter, upon investigation, a Chargesheet No. 4/03 dated 18.01.2003 was filed against alleging commission of offences under Sections 406, 409, 420, 421, 422 and 34 of IPC against the accused persons including the Petitioner. The Petitioner craves leave to refer and rely upon the chargesheet as and when required.
13. That the Ld. Judicial Magistrate without affording any opportunity of hearing on charge vide Impugned Order dated 21.03.2025, framed charges under Sections 420, 467, 468, 471, 114 and 120-B r/w 34 IPC against the Petitioner, without first deciding any objections or conducting a hearing under Section 239 CrPC as held by Hon'ble



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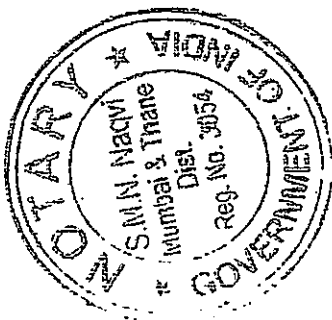
Bombay High Court in *Bharat Uttam Rajurkar & Ors. v. State of Maharashtra – Criminal Writ Petition No. 1232 of 2017*. The impugned order also does not record reasons, does not analyse the ingredients of the offences alleged, and does not reflect application of judicial mind. It is a settled law which has been reiterated by the Hon'ble Bombay High Court in *Mahendra Nanjibhai Mehta v. State of Maharashtra, 2007 SCC OnLine Bom 1084*, that categorically held that an order under Section 239 CrPC must be a speaking order, recording reasons and demonstrating judicial application of mind. A mechanical dismissal of discharge without analysing the objections or the ingredients of the alleged offences is unsustainable in law.

14. That even if assuming every allegation in the complaint, the events recorded therein pertain exclusively to commercial purchase-sale transactions of Government Securities, where:

- contract notes were issued,
- multiple securities over the years were fully delivered,
- and only certain securities were allegedly not delivered.

Thus, the complaint discloses no material satisfying the statutory ingredients of Sections 420, 467, 468, and 471 nor any material disclosing conspiracy under Section 120-B IPC or any act of abetment under Section 114 IPC.

15. That, being aggrieved by the impugned order and the procedural as well as substantive errors therein, the Petitioner prefers the present revision petition on the following, grounds:



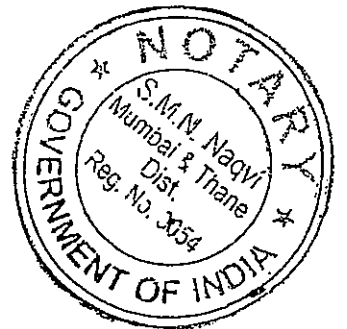
GROUNDS

A. That the Petitioner is falsely implicated in the instant case and denies committing any of the offenses as alleged against him. The allegations made in the FIR are devoid of any merits and are baseless and is a clear attempt to give a criminal colour to a purely commercial dispute which is civil in nature.

B. That the failure to conduct a pre-charge hearing as required under Section 226, 227, 228 & 239 CrPC vitiates the charges, as it violated the Petitioner's right to a fair trial and due process guaranteed under Articles 14 and 21 of the Constitution.

B.1. That the record (Roznama) dated 21.03.2025 clearly demonstrates that the accused was not afforded a meaningful opportunity to be heard prior to the framing of charges. Section 239 CrPC mandates that an accused must be given the chance to address the Court on whether any offence is made out. This mandatory safeguard was completely denied.

B.2. That the Ld. Trial Court proceeded to frame charges without granting the opportunity of hearing to the accused under Section 239 CrPC. The Petitioner was present and had sought to address the Court on the question of charge, yet no such hearing was afforded. The statutory requirement of providing the accused a meaningful and effective opportunity to show that no case is made out was completely bypassed.



B.3. That the position of law has been well established in catena of judgements of Hon'ble Bombay High Court as mentioned below that an order framing charge is vitiated if no opportunity has been granted prior to framing of charge to an accused to show from the materials on record that no offence has been committed by him and that no charge can be framed against the accused:-

(i) *Ambadas Kashirao Kharad & Ors. v. State of Maharashtra Criminal Revision Application No. 338 of 2006 decided on 18.01.2007,*

(ii) *Wasumati Ashok Thakre & Anr. v. State of Maharashtra – Criminal Revision No. 135 of 2010 decided 12.08.2010*

(iii) *Bharat Uttam Rajurkar & Ors. v. State of Maharashtra – Criminal Writ Petition No. 1232 of 2017 decided on 12.01.2018*

(iv) *Mohd. Sheikh Mujaffar S/o Shiek Rashid v. State of Maharashtra & Anr. Criminal Revision Application No. 74/ 2024 decided on 02.07.2024*

(v) *Khurshid Jaat Imran Jaat & Ors. v. State of Maharashtra – Criminal Revision Application No. 25 of 2025 decided on 24.02.2025*

B.4 That it is apt to quote on judgement out of many i.e. *Bharat Uttam Rajurkar & Ors. v. State of Maharashtra – Criminal Writ Petition No. 1232 of 2017* where the Hon'ble Bombay High Court (Nagpur Bench) held that the absence of a hearing was not a mere technicality but a



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substantive failure. His Lordships Justice S.B. Shukre, while quashing the charges, held:

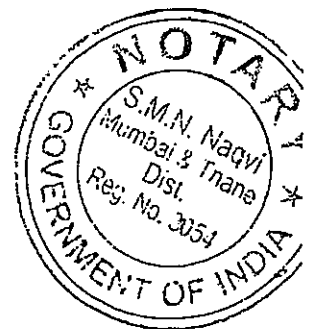
"There cannot be any 'prima facie presumption' about the predecessor of the learned Magistrate having heard the accused persons before framing of the charge... Framing of charge is a serious business. When Sections 239 and 240 of Cr.P.C. mandate that charge must be framed after giving an opportunity of hearing to the accused, the mandate must be followed realistically and not presumptively."

The court in the above case further observed:

"The impugned orders clearly show that no such opportunity of being heard was ever granted to the petitioners before framing of the charge and, therefore, for this reason alone, the charge, as framed, against the petitioners deserves to be quashed and set aside." Thus, the failure to comply with Sections 239 and 240 Cr.P.C. has in itself resulted in a miscarriage of justice, warranting the present application.

B.5 That the material on record does not disclose a prima facie case against the accused for Sections 420, 467, 468, 471, 114 or 120-B IPC and the Petitioner never had an opportunity to explain it to the magistrate that in view of law declared by Hon'ble Supreme Court mere alleged failure of delivery of certain Securities cannot justify framing of charges as the essential ingredients of the alleged offences is not made out.

B.6. That furthermore, the Investigating Officer also failed to adequately examine the documentary and testimonial evidence pertaining to the accused's conduct before recommending framing of charges, thereby violating the principle that charges must be framed only after evaluating whether a reasonable case exists.



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B.7. That in addition to denying the statutory hearing, the impugned charge-framing order is vitiated for being a completely non-speaking and unreasoned order. It does not identify any incriminating material, or shows a single reason explaining how the offences under Sections 420, 467, 468, 471, 114 or 120-B IPC are made out against the Petitioner. It is settled law in *Mahendra Nanjibhai Mehta v. State of Maharashtra (Supra)* that an order framing charges must be a speaking order, reflecting judicial application of mind. The impugned order contains no reasoning whatsoever and merely reproduces the prosecution's allegations, rendering it unsustainable in law and violative of Articles 14 and 21.

C. That the dispute is civil/commercial in nature and does not disclose any criminal offence.

C.1. That the allegations in the Complaint, FIR and Chargesheet arise purely from commercial and contractual transactions relating to Government Securities with the Company. Even if taken at face value, they amount at best to breach of contract for non-delivery of securities by the Company and do not constitute any criminal offence.

C.2. That it is a settled law that mere breach of contract cannot give rise to criminal liability unless fraudulent or dishonest intention is shown at the inception of the transaction. The Hon'ble Supreme Court in *Hridaya Ranjan Prasad Verma v. State of Bihar, (2000) 4 SCC 168* has observed:



“15. In determining the question it has to be kept in mind that the distinction between mere breach of contract and the offence of cheating is a fine one. It depends upon the intention of the accused at the time of inducement which may be judged by his subsequent conduct but for this subsequent conduct is not the sole test. Mere breach of contract cannot give rise to criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction, that is the time when the offence is said to have been committed. Therefore it is the intention which is the gist of the offence. To hold a person guilty of cheating it is necessary to show that he had fraudulent or dishonest intention at the time of making the promise. From his mere failure to keep up promise subsequently such a culpable intention right at the beginning, that is, when he made the promise cannot be presumed.”

(Emphasis supplied)

C.3. That pertinently the Companies prior and subsequent conduct, including honouring earlier Government Securities transactions with the Complainant Bank, clearly indicates bona fide commercial dealings and negates any allegation of fraudulent intent at inception.

C.4. That the Hon'ble Apex Court has repeatedly cautioned that disputes which are essentially civil must not be dressed up as criminal offences (*Paramjeet Batra v. State of Uttarakhand, Usha Chakraborty v. State of West Bengal, Naresh Kumar v. State of Karnataka*).

C.5. That furthermore, it is pertinent to mention that the Hon'ble Supreme Court has further clarified in *Vesa Holdings (P) Ltd. v. State of Kerala, (2015) 8 SCC 293*, that every breach of contract does not amount to cheating, and criminal prosecution cannot be invoked unless fraudulent intention at the inception of the transaction is clearly established. It was observed that:



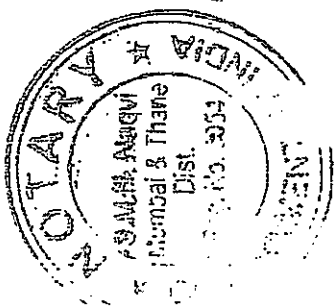
...8. From the decisions cited by the appellant, the settled proposition of law is that every breach of contract would not give rise to an offence of cheating and only in those cases breach of contract would amount to cheating where there was any deception played at the very inception. If the intention to cheat has developed later on, the same cannot amount to cheating. In other words for the purpose of constituting an offence of cheating, the complainant is required to show that the accused had fraudulent or dishonest intention at the time of making promise or representation. Even in a case where allegations are made in regard to failure on the part of the accused to keep his promise, in the absence of a culpable intention at the time of making initial promise being absent, no offence under Section 420 of the Indian Penal Code can be said to have been made out.

(Emphasis supplied)

C.6. In *Anil Mahajan v. Bhor Industries Ltd., (2005) 10 SCC 228*, the Hon'ble Supreme Court held that criminal proceedings for cheating are liable to be quashed where the allegations disclose only a civil wrong, observing that "the substance of the complaint is to be seen; if it discloses a civil dispute, the criminal process should not be permitted to continue." The present case falls squarely within that principle.

C.7 The Hon'ble Supreme Court, in a recent and strong disapproval of the growing tendency to criminalise civil and commercial disputes, observed in *M/s Shikhar Chemicals v. State of U.P., 2025 SCC OnLine SC 1643*, as under:

"The Magistrate unfortunately remained unmindful of the fact that even as per the complainant's own say the case is one of sale of goods and recovery of some balance amount... It was expected of the Additional CJM to know that in a case of sale transaction where is the question of any entrustment of goods so as to bring the case within the ambit of criminal breach of trust punishable under Section 406 of the IPC. ... We are not



taken by surprise with the Magistrate exhibiting complete ignorance of law... However, we expected at least the High Court to understand the fine distinction between the two offences... It was expected of the High Court to know the well-settled position of law that in cases of civil dispute a complainant cannot be permitted to resort to criminal proceedings as the same would amount to abuse of process of law."

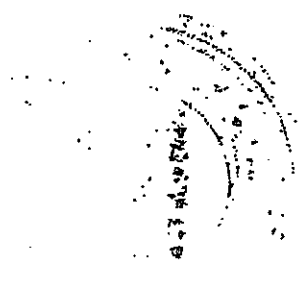
C.8 The Court emphatically reiterated the settled principle that where the dispute arises from a commercial contract, such as sale, supply, or investment transactions, the remedy lies in civil law for recovery or damages, not in criminal prosecution. The criminal law cannot be used to enforce contractual obligations or to pressurise parties in commercial dealings.

C.9 That in the present case, the continuation of criminal proceedings is nothing but an attempt to give a cloak of criminality to a dispute that is purely civil and contractual, which is impermissible and constitutes abuse of process.

D. That no offence alleged under Sections 420 is made out as the continuous prior bona fide dealings between the Company and the Complainant Bank clearly negates any element of fraudulent or dishonest intention at the inception of the transaction.

D.1. Section 415 IPC defines "cheating" as follows:

"Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is



likely to cause damage or harm to that person in body, mind, reputation or property, is said to 'cheat'."

D.2 As delineated by the Hon'ble Supreme Court in *Delhi Race Club v. State of U.P. (2024) 10 SCC 690* the following are the ingredients of Section 420 IPC:

"(1) Deception of any person, either by making a false or misleading representation or by other action or by omission;

(2) Fraudulently or dishonestly inducing any person to deliver any property, or

(3) The consent that any person shall retain any property and finally intentionally inducing that person to do or omit to do anything which he would not do or omit"

D.3 That Section 420 IPC requires (i) deception of a person, (ii) fraudulent or dishonest inducement at the inception of the transaction, and (iii) delivery of property or alteration of a valuable security pursuant to such inducement. Dishonest intention at the very inception is the foundational element of the offence. Subsequent failure to fulfil a promise, or inability to perform a contract, does not by itself constitute cheating.

D.4 That the Hon'ble Supreme Court also in *Inder Mohan Goswami v. State of Uttaranchal, (2007) 12 SCC 1*, as reiterated in *Arshad Neyaz Khan v. State of Jharkhand (2025) SCC Online SC 2058*, has categorically held that the intention at the inception is the gist of the offence of cheating, and that

17."42....From his mere failure to subsequently keep a promise, one cannot presume that he all along had a culpable intention to break the promise from the beginning."

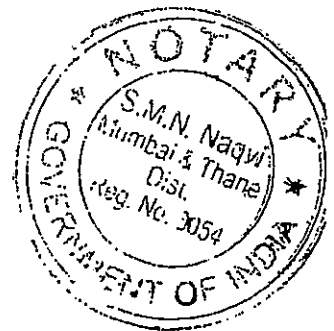


Applying this settled principle, the absence of any dishonest intention at the inception of the transaction completely negates the applicability of Section 420 IPC.

D.5. Applying the aforesaid settled position, the complaint itself records that the complainant Bank had been carrying out Government Securities purchase and sale transactions through Ketan Sheth & Co., Euro Asian Securities Limited and thereafter Home Trade Limited, and that transactions worth ₹41,93,812/-, ₹1,51,27,913/-, and twelve transactions aggregating to ₹12,27,48,512/- were undertaken prior to the transaction in question. That neither the Complaint, FIR or the chargesheet attributes any inducement, communication or act personally committed by the Petitioner which caused the Bank to enter into the Government Securities transactions.

D.6 That the complaint further shows that upon non-delivery, the Bank issued reminders and made repeated demands for physical delivery of securities, thereby treating the issue as arising out of the transactional dealings between the parties, rather than as an act of deception at the inception.

D.7 That, therefore, even if the allegations in the complaint are taken at face value, they amount only to commercial non-performance or breach of contract. The totality of these facts consisting of independent decision-making by the Bank, substantial deliveries by Companies, repeated settlements, and absence of any personal inducement of the



Petitioner clearly establishes that the essential ingredients of Section 420 IPC are conspicuously absent. Such disputes cannot be criminalised, and the continuation of criminal proceedings on this purely civil-commercial foundation constitutes a gross abuse of process. Accordingly, the charge under Section 420 IPC is wholly unsustainable and liable to be quashed.

E. That no offence alleged under Sections 467, 468 and 471 is made out.

E.1. That before an offence under Sections 467, 468 or 471 IPC can be attracted, it is mandatory for the prosecution to first establish the making of a “false document” within the meaning of Sections 463 and 464 IPC, which form the statutory foundation of all forgery-related offences.

E.2. Section 463 IPC defines “forgery” as:

“[Whoever makes any false document or false electronic record or part of a document or electronic record, with intent to cause damage or injury], to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.”

Thus, the sine qua non of forgery is the making of a “false document.

E.3. Section 464 IPC exhaustively defines when a document can be said to be “false.” As explained by the Hon’ble Supreme Court in *Mohd. Ibrahim v. State of*



Bihar (2009) 8 SCC 751, a document is false only in the following situations:

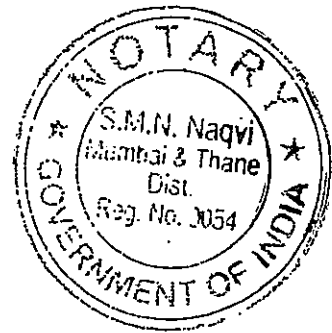
- When it is made or executed a document claiming to be someone else or authorised by someone else; or
- When someone alter or tamper a document; or
- When a document is obtained by practising deception, or from a person not in control of his senses.

E.4. The Hon'ble Supreme Court has categorically held that mere execution of a document by a person in his own name, even if the underlying transaction is disputed, does not amount to making a false document. For the first category of Section 464 IPC to apply, the Hon'ble Court held that

16. "...There is a further requirement that it should have been made with the intention of causing it to be believed that such document was made or executed by, or by the authority of a person, by whom or by whose authority he knows that it was not made or executed..."

E.5. The Hon'ble Apex Court further clarified that when a person executes a document claiming a right or obligation in his own name, *"he is not claiming that he is someone else nor is he claiming that he is authorised by someone else."* Such execution, even if the claim later turns out to be incorrect, does not constitute a false document and therefore no forgery is made out.

E.6. That in the present case, the charge-framing order refers in general terms to alleged forged documents such as SEBI certificates, government securities contracts and



other related documents. However, neither the complaint nor the chargesheet specifies:

- which particular document is alleged to be false,
- who is alleged to have made such false document,
- in what manner such document answers the definition of a “false document” under Section 464 IPC, or
- whether any document was made in the name of another person, altered, forged or obtained by deception.

Thus, the prosecution case does not even whisper or specifies which particular contract note or document is alleged to have been forged by the Petitioner, nor does it plead how or in what manner any such document answers the statutory requirements of a “false document” under Section 464 IPC.

E.7. That the allegations in the complaint primarily arise from non-delivery of certain Government Securities pursuant to contract notes, and the dispute centres around performance of contractual obligations rather than identification of any forged document attributable to the Petitioner.

E.8. Thus, once the statutory requirement of a “false document” under Sections 463 and 464 IPC is not satisfied, the consequential offence under Section 467 (forgery of valuable security, will, etc.) and Section 468 of IPC (forgery for the purpose of cheating) cannot survive, as it is



entirely dependent upon the existence of forgery in the first place.

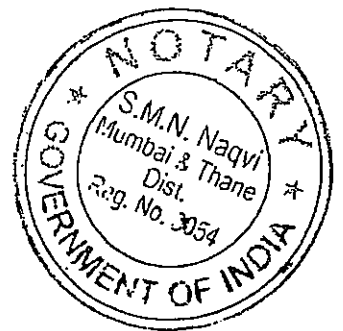
E.8. Similarly, Section 471 IPC presupposes the use of a forged document as genuine and since the prosecution case does not disclose the existence of any forged document in the first place, the offence under Section 471 IPC is also *ex facie* not made out.

E.9. That the Hon'ble Supreme Court in *G. Sagar Suri v. State of U.P.*, (2000) 2 SCC 636 cautioned against stretching civil disputes into criminal prosecutions by invoking penal provisions without factual foundation. The present case is a textbook example of such mechanical invocation of sections.

E.10. That therefore, even accepting the prosecution case at its highest and without disputing the signatures, the allegations do not satisfy the statutory ingredients of Sections 467, 468 or 471 IPC. The initiation and continuation of criminal proceedings under these provisions are thus bad in law and unsustainable.

F. That no offence alleged under Sections 120-B and 114 of IPC is made out.

F.1. That Section 120-B IPC requires proof of an agreement between two or more persons to commit an illegal act or a legal act by illegal means. The essence of conspiracy is the meeting of minds. Mere association or participation in commercial transactions does not constitute conspiracy.

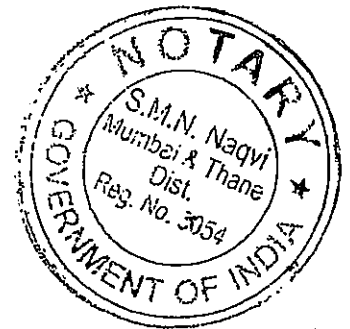


F.5. That the charge-framing order invokes Sections 120-B and 114 IPC in a composite and mechanical manner, without identifying the factual basis for either a prior agreement constituting conspiracy or any act of abetment as statutorily required. In the absence of such foundational pleadings, the invocation of Sections 120-B and 114 IPC is wholly unsupported by the material on record.

F.6. That the invocation of Section 120-B and 114 of IPC appears to be purely mechanical, without any reference to the statutory requirements or supporting material. A conspiracy any act of abetment cannot be inferred from commercial non-performance, which the Hon'ble Supreme Court has consistently held to be a civil matter unless attended by explicit fraudulent intent. Accordingly, the charges under Section 120-B and 114 of IPC is wholly misconceived and deserves to be quashed.

G. There is no concept of vicarious liability under the Indian Penal Code the proceedings against the Petitioner are unsustainable.

G.1 It is respectfully submitted that the Indian Penal Code does not create or recognise the concept of vicarious criminal liability except where the statute specifically so provides. In the absence of such statutory mandate, no director or officer can be held criminally liable for acts allegedly committed by the company unless there is evidence of his individual role coupled with requisite mens rea.



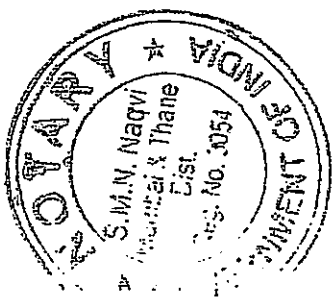
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G.2 In *Sunil Bharti Mittal v. Central Bureau of Investigation*, (2015) 4 SCC 609, the Hon'ble Supreme Court categorically held that a director or officer of a company cannot automatically be held liable for offences committed by the company unless there is material showing his active role in the commission of the offence and the presence of criminal intent. The Court observed that "the principle of alter ego" cannot be invoked to implicate an individual unless there is material to lift the corporate veil and show his personal involvement in the alleged acts.

G.3 Likewise, in *GHCL Employees Stock Option Trust v. India Infoline Ltd.*, (2013) 4 SCC 505, it was held that a director cannot be prosecuted merely by virtue of his designation or position. There must be specific allegations of acts done by him and intent attributable to him individually. A bald assertion that he was a director at the relevant time is insufficient to attract criminal liability.

G.4 Further, in *Delhi Race Club Ltd. v. State of Delhi* [(2012) 8 SCC 680], the Hon'ble Supreme Court observed as follows:

"When the company itself is alleged to have committed the offence, there is no question of attributing vicarious liability to its office-bearers for offences such as cheating or criminal breach of trust. The office-bearers can be prosecuted only if direct and specific allegations are levelled against them individually. The complainant must demonstrate that



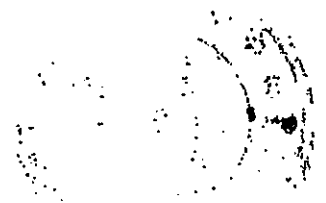
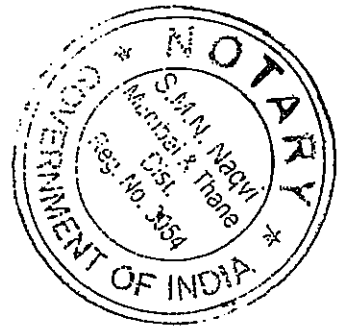
he was deceived or cheated by the personal acts of the office-bearers."

G.5 In the present case, even assuming the prosecution's allegations to be true, the entire transaction forming the basis of the charge-sheet pertains to Home Trade Ltd., a registered company, which acted as a contracting party in its own corporate capacity. The allegations of issuance of contract notes, receipt of funds, or non-delivery of securities, all relate to acts of the company in the course of its business.

G.6 The prosecution has chosen to charge only its directors, including the present Petitioner, without attributing any specific role or act done by them individually. The charge-sheet contains no material showing any meeting, communication, or act of inducement by the Petitioner. The allegations, even if taken at their face value, are not against the Petitioner in his personal capacity.

G.7 In such circumstances, the prosecution of the Petitioner alone, is contrary to settled principles of criminal jurisprudence and is liable to be quashed. The continuation of proceedings against the Petitioner amounts to attributing vicarious criminal liability, which is impermissible in law and constitutes an abuse of the process of Court.

H. That the Ld. Magistrate failed to apply judicial mind, and both the investigation and the charge-framing have been conducted in a mechanical manner.



H.1 That the charges framed under Sections 420, 467, 468, 471, 114 and 120-B r/w 34 IPC have been imposed in a mechanical manner without any analysis of the material placed on record. The impugned order does not record what material was relied upon, how the statutory ingredients were satisfied, or why a prima facie case was considered to be made out.

H.2 That the impugned order is *non-speaking*, as it does not identify any specific act attributed to the Petitioner, does not discuss the role of the accused in the transactions, and does not demonstrate that the Ld. Magistrate examined whether the ingredients of each alleged offence were disclosed. The absence of reasons reflects complete non-application of judicial mind.

H.3 That the investigation itself proceeded mechanically, the investigating agency reproduced allegations from the complaint without verifying which specific document or transaction was attributable to which accused, and without distinguishing institutional acts from individual acts. No effort was made to correlate documentary material with the offences alleged.

H.4 That the investigating agency mechanically invoked multiple penal sections without identifying the factual foundation necessary for each of them, resulting in a chargesheet that merely repeats allegations without demonstrating mens rea, specific overt acts, or satisfaction of statutory elements.

H.5 That in these circumstances, the charge-framing order passed without reasons and without reference to any material stands vitiated for want of application of mind. Such mechanical exercise of jurisdiction causes serious prejudice to the Petitioner and renders the impugned order unsustainable in law.

H.6. Petitioner has Not filed any other similar petition either before this Honible Court or
PRAYER before Honible supreme court of India.

In the facts and circumstances of the present case, it is most humbly prayed that this Hon'ble Court may graciously be pleased to:

- a. This Hon'ble Court by invoking the Writ Jurisdiction under Article 227 of the Constitution of India and Inherent powers under Section 528 of BNSS may issue appropriate writ, order or direction and the order dated 21.03.2025 passed by the Ld. Additional Chief Judicial Magistrate, 37th Court, Esplanade, Mumbai in C.C. No. 387/2023, whereby charges have been framed against the Petitioner for offences under Sections 420, 467, 468, 471, 114 and 120-B IPC may kindly be quashed and set aside;
- b. Pending the hearing and final disposal of the present Petition the effect, operation and implementation of the impugned order dated 21.03.2025 passed by the Ld. Additional Chief Judicial Magistrate, 37th Court, Esplanade, Mumbai in C.C. No. 387/2023, be stayed;


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c. Pass any such other or further orders and/or directions as this Hon'ble Court may deem fit, proper, just and equitable in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

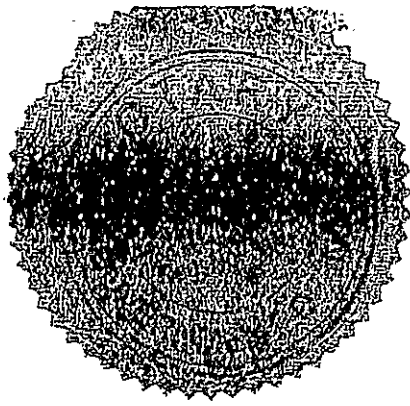
Mumbai,

Date: 02.01.2026


Advocate for Petitioner



VERIFICATION



I, Sanjay Hariram Agarwal, Aged: 60 years, Indian Inhabitant, Residing at: 7, Hari Sava Street, Kidderpore, Kolkata – 700023, the Petitioner hereinabove, do hereby state on solemn affirmation, that whatever stated in foregoing paragraphs is true and correct to my own knowledge and belief and also on the legal advice I've received, which I believe to be true and correct and the contents last para is my humble prayers.

Solemnly affirmed at Mumbai)

Dated this 02 day)

~~JAN~~ December, 2026)

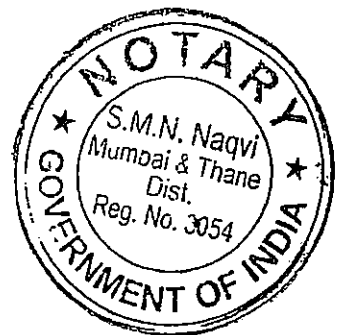
S. Hariram
Petitioner

Identified by me

BEFORE ME

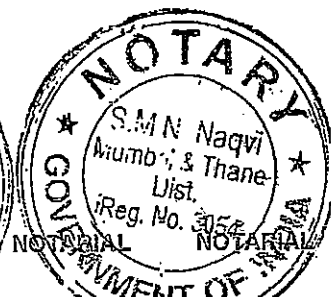
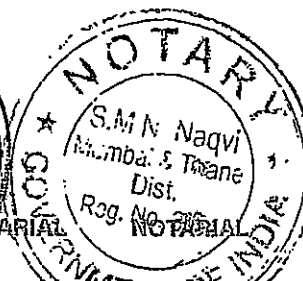
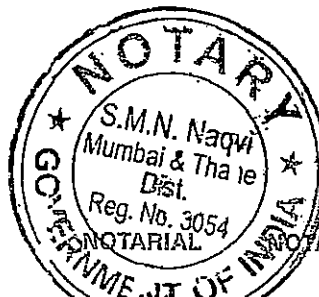
BEFORE ME

S.M.N.
20/1/26
S.M.N. NAQVI
NOTARY
Government of India
Mumbai & Thane Dist.



S. No. 206 P. No. 21

NOTARY Register, 19/25, Date. 02/01/26

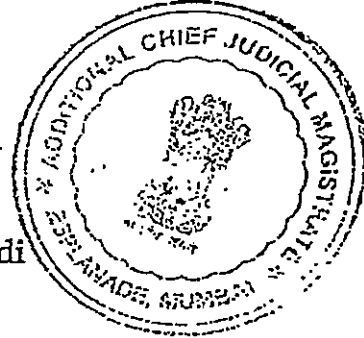


IN THE COURT OF THE ADDL. CHIEF JUDICIAL MAGISTRATE,
37TH COURT, ESPLANADE, MUMBAI.
C. C. No. 387/PW/2023

CHARGE

I, Vinod R. Patil, Addl. Chief Judicial Magistrate, 37th Court, Esplanade, Mumbai do hereby charge you:

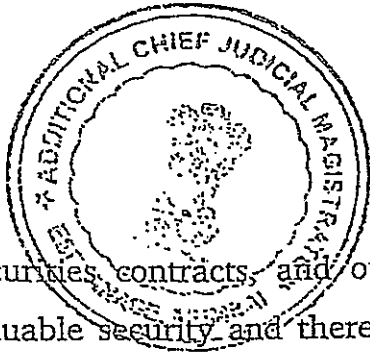
1. Ketan Kantilal Sheth
2. Subodh Bhandari
3. Sanjaybhai Hariram Agarwal
4. Niraj Amidhar Surti
5. Nandkishor Shankarlal Trivedi



as follows :

That you accused No.1. Ketan Kantilal Seth being Director, accused No.2. Subodh Bhandari being Authorized Signatory, accused No.3. Sanjaybhai Hariram Agarwal being Chairman and Chief Executive, accused No.4. Niraj Amidhar Surti and accused No.5. Nandkishor Shankarlal Trivedi being Secretary and Executive Director of Hometrade Limited along with other absconding accused from April, 1999 to 01.06.2002 at the Udhana Citizen Co-operative Bank Ltd., Road No 14, Udhana Udyog Nagar, Udhana in furtherance of your common intention cheated the informant the Udhana Citizen Co-operative Bank Ltd. by dishonestly inducing it to deliver an amount of Rs.3,19,96,075/- to M/s. Home Trade Limited to purchase government securities and thereby committed an offence punishable under section 420 r/w. 34 of the Indian Penal Code and within my cognizance.

Secondly, that you along with other absconding accused during the above said period and place in furtherance of your common intention forged documents namely SEBI certificates, government



securities, contracts, and other related documents purported to be a valuable security and thereby committed an offence punishable under section 467 r/w. 34 of the Indian Penal Code and within my cognizance.

Thirdly, that you along with other absconding accused during the above said period and place in furtherance of your common intention forged documents namely SEBI certificates, government securities contracts, and other related documents intending that it shall be used for the purpose of cheating and thereby committed an offence punishable under section 468 r/w. 34 of the Indian Penal Code and within my cognizance.

Fourthly, that you along with other absconding accused during the above said period and place in furtherance of your common intention fraudulently used as genuine a documents namely SEBI certificates, government securities contracts, and other related documents which you knew at the time when used it to be forged documents and thereby committed an offence punishable under section 471 r/w. 34 of the Indian Penal Code and within my cognizance.

Fifthly, that you along with other absconding accused during the above said period and place in furtherance of your common intention abetted the informant in committing an act and you were present at the time the act was committed in pursuance of your abetment and thereby committed an offence punishable under section 114 r/w. 34 of the Indian Penal Code and within my cognizance.

Lastly, that you along with other absconding accused during the above said period and place were party to criminal conspiracy to commit criminal breach of trust, cheating and forgery and thereby committed an offence punishable u/sec. 120-B r/w. 420, 467, 468, 471

of the Indian Penal Code and within my cognizance.

And I hereby direct that you be tried by me on the above said offence.

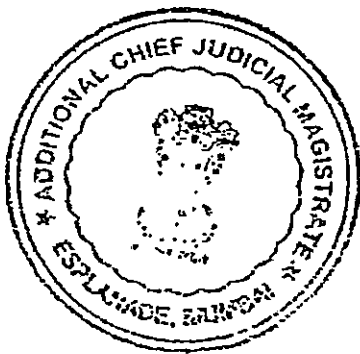
Dated 21st day of March, 2025.

[Signature]
(Vinod R. Patil),
Addl. Chief Judicial Magistrate,
37th Court, Esplanade, Mumbai

The charge is framed, read over and explained to the accused in vernacular language.

[Signature]
(Vinod R. Patil),
Addl. Chief Judicial Magistrate,
37th Court, Esplanade, Mumbai

True Copy
[Signature]
9.9.25
Judicial Clerk,
Addl. Chief Judicial Magistrate,
37th Court, Esplanade, Mumbai.



Application on : 04/09/2025
Ready on :
Charges pay on : 09/09/2025
Delivered on :

T-C
Sc
Adk

Daily Status

In The Court Of :Addl. Chief Judicial Magistrate , 37th Court

CNR Number. :MHMM110044242023

Case Number. :Police Cases PW/4700387/2023

UDHNA POLICE STATION Versus KETANBHAI KANTILAL
SHETH- SUPPLEMETARY CHARGESHEET

Date :21-03-2025

Business	: Ld. APP present. All accused present with Advocates. Exh. 8 - Charge framed against all accused. Exh. 9 - Plea of accused no. 1 recorded. Exh. 10 - Plea of accused no. 2 recorded. Exh. 11 - Plea of accused no. 3 recorded. Exh. 12 - Plea of accused no. 4 recorded. Exh. 13 - Plea of accused no. 5 recorded. Accused no. 1 to 5 pleaded not guilty. Exh. 14 - Application for issue summons to Informant and Investigation Officer filed by Ld. APP. Order - Issue summons as prayed, Exh. 15 - Vakalatnama on behalf of accused no. 5 filed by Advocate. Issue summons to Informant and Investigation Officer. Adjourned for evidence and production of translated copies.
Next Purpose	: TIME BOUND CASES
Next Hearing Date	: 07-04-2025
Addl. Chief Judicial Magistrate , 37th Court	

T. C
J. K
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Exh-B

34

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION**

TRANSFER PETITION (CRIMINAL) Nos. 333-348/2021

Ketan Kantilal Seth

.....Petitioner

VERSUS

State of Gujarat & Ors.

..... Respondent(s)

With I.A. No. 134476 of 2021

ORDER

1. With the consent of the parties, these transfer petitions have been taken up for final hearing. The present petitions have been filed by petitioner/accused for invoking the power under Section 406 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'CrPC'), seeking transfer of 16 criminal cases pending against him in four different States to one Court in

Mumbai, where 3 cases are already pending. Following are the

cases of which transfer are being sought -

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- i. Criminal Case No. 101878/2003 arising out of FIR No. C.R. No. I-64/2002, dated 30.07.2002 registered at Police Station Udhana, Surat, Gujarat, pending before Additional Chief Judicial Magistrate, Surat;
- ii. Criminal Case No. 9166/2002 arising out of FIR No. I.C.R. No. 274/2002, dated 02.07.2002 registered at Police Station Umra, Surat, Gujarat, pending before Additional Chief Judicial Magistrate, Surat;
- iii. Criminal Case No. 174/2003 arising out of FIR No. C. R. No. I-226/2002, dated 30.08.2002 registered at Police Station Rander, Surat, Gujarat, pending before Additional Chief Judicial Magistrate, Surat;
- iv. Criminal Case No. 100521/2003 arising out of FIR No. 274/2002, dated 06.08.2002 registered at Police Station Varachha, Surat, Gujarat, pending before Additional Chief Judicial Magistrate/Judicial Magistrate First Class, Surat;
- v. Criminal Case No. 2778/2004 arising out of FIR/M. Case No. 3/2002, dated 16.07.2002 registered at Police

- Station Gandevi, Navsari, Gujarat, pending before Additional Chief Judicial Magistrate, Gandevi;
- vi. Criminal Case No. 6840/2002 arising out of FIR No. I-93/2002, dated 18.08.2002 registered at Police Station Navsai Town, Navsari, Gujarat, pending before Chief Judicial Magistrate, Navsari;
- vii. Criminal Case No. 2121/2002 arising out of FIR No. I-119/2002, dated 10.06.2002 registered at Police Station Valsad City, Valsad, Gujarat, pending before Chief Judicial Magistrate, Valsad;
- viii. Criminal Case No. 1578/2006 arising out of FIR/M. Case No. 29/2002, dated 13.06.2002 registered at Police Station Vidya Nagar, Anand, Gujarat, pending before Additional Chief Judicial Magistrate, Anand;
- ix. Criminal Case No. 244/2002 arising out of FIR/M. Case No. 22/2002 (C.R. No. I-226/2002), dated 07.06.2002 registered at Police Station Morbi, Gujarat, pending before II Additional Chief Judicial Magistrate, Morbi;

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- x. Criminal Case No. 40449/2016 arising out of FIR No. 280/2002, dated 04.05.2002 registered at Police Station Connaught Place, New Delhi, pending before Additional Chief Metropolitan Magistrate, Patiala House Court, New Delhi;
- xi. Criminal Case No. 2034203/2016 arising out of FIR No. 242/2002, dated 17.06.2002 registered at Police Station Sarojini Nagar, New Delhi, pending before Chief Metropolitan Magistrate, Saket Court, New Delhi;
- xii. Criminal Case No. ____/2002 arising out of FIR No. 298/2002, dated 22.08.2002 registered at Police Station Jagatdal, 24 North Paraganas, West Bengal, pending before Barrackpore Court, Kolkata;
- xiii. Criminal Case No. 147/2002 arising out of F.I.R. No. 97/2002, dated 25.04.2002 and C.R. No. 101/2002, dated 29.04.2002, both registered at Police Station Ganeshpeth, Nagpur, Maharashtra, pending before 155-II Additional Chief Judicial Magistrate First Class, Nagpur;

- xiv. Criminal Case No. 847/2002 arising out of F.I.R. at C.R. No. 75/2002, dated 15.05.2002 registered at Police Station City Kotwali, Amravati, Maharashtra, pending before Chief Judicial Magistrate, Amravati;
- xv. Criminal Case No. 498/2002 arising out of F.I.R. at C.R. No. 102/2002, dated 08.05.2002 registered at Police Station Pimpri, Pune, Maharashtra, pending before Chief Judicial Magistrate, Pimpri, Pune;
- xvi. Criminal Case No. 357/2002 arising out of F.I.R. at C.R. No. 65/2002, dated 15.05.2002 registered at Police Station Vishrambaug, Pune, Maharashtra, pending before III Judicial Magistrate First Class, Shivaji Nagar, Pune.

In fact, the basic object to file these transfer petitions is to get all cases transferred at one place and may be directed to try together.

2. In a nutshell, the prosecution story in majority of the cases revolves around one accused company namely M/s Home Trade Limited, which is alleged to have engaged in the business of

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Stock, Securities, Brokering and Trading. The allegations against the petitioner herein and one Sanjay Hariram Agarwal are that they were the authorized signatories of the accused company and while acting in the capacity of Directors of the said accused company, they entered into several transactions dealing with government

securities and further sold the said securities without any authorization. Further, it has also been alleged that the government securities were not delivered within time and the money raised thereby has been misappropriated by the accused persons including the petitioner herein.

3. During the pendency of the instant petitions, application for intervention (bearing I.A. No. 134476 of 2021) has also been filed on behalf of one applicant namely; Omprakash Bhaurao Kamdi, seeking permission to intervene on the grounds of being a 'necessary' and 'proper' party as stated in the application.

4. Before advertng to merits of the transfer petitions, the application seeking intervention is being taken up for disposal. The intervenor claims to be an agriculturist who is dependent on

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financial aid provided by Nagpur District Central Cooperative Bank Limited (hereinafter referred as NDCCB) for his day-to-day agricultural activities. It is said Chairman of NDCCB, who lodged an FIR in 2002 against the petitioner and other accused persons alleging non-delivery of the government securities worth Rs. 125 crores which NDCCB purchased through accused company in which petitioner and other accused persons were directors. The petitioner also sought transfer of concerned trial in the instant transfer petitions.

5. It is a settled principle of law in criminal jurisprudence that intervention application filed by a third party should not ordinarily be allowed in criminal cases unless the Court is satisfied that on the grounds on which the person seeking intervention is directly or substantially related to the case and question of law which may affect him adversely; or in the opinion of Court, joining the intervenor in the case is expedient in public interest. Having perused the contents of intervention application, nothing is averred in the application, how non-joining of applicant may cause prejudice or affect the public interest. The

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applicant is neither a complainant in any of the cases of which transfer is being sought, nor he has any direct involvement or ground of his joining in public interest. The intervenor has no locus to intervene in the present petition, therefore, I am of the opinion that the grounds as mentioned by the intervenor are not proper to allow the application. It is to observe that prayer in the present petition

is confined to transfer the criminal trials pending before Trial Courts in different States for trial by one Court in one State and in such circumstances, the prayer for intervention cannot be allowed for reasons mentioned above. Consequently, I.A. No. 134476 of 2021 seeking intervention stands dismissed.

6. Reverting to the merits of the transfer petitions, learned counsel for petitioner has contended that multiple FIRs were registered against petitioner and other accused persons in different States having similar set of allegations, which has led into multiple trials being pending before various Trial Courts in different States for adjudication. Most of the accused persons in all FIRs and witnesses thereof are common. However, for the

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purpose of trial, all the accused as well witnesses have to attend hearing dates before various Courts leading to delay and huge expenses. Moreover, most of the transactions pertaining to the alleged offence have taken place in Mumbai, Maharashtra and as per the chart supplied by the petitioner, majority of the witnesses relevant for the purpose of trial are also from Mumbai. However, the petitioner has prayed the transfer of all cases for trial by one

Court primarily on the grounds of convenience, expeditious disposal and no-prejudice may be caused to the defence of the accused for fair trial and to secure ends of justice.

7. Per contra, the learned counsel for respondent has opposed the transfer petitions primarily on the ground that the transfer petitions have been filed belatedly. It has been contended that, High Court of Bombay vide order dated 24.06.2021 passed in Criminal Application No. 628/2014, directed the concerned Trial Court to complete the trial in C.C. No. 147/2002 (i.e. one of the cases of which transfer is being sought in the instant petitions) by passing final judgment and order within a maximum period of

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four months. The proceedings in the said case are already at the final stage. Hence, the prayer of the petitioner seeking transfer of cases as mentioned deserves to be dismissed.

8. After having heard both the sides, the primary issue for consideration before this Court is *'Whether the criminal cases pending before different Trial Courts in four States can be transferred to one Trial Court in one State?; Whether transfer of case of one of the criminal case which is at the final stage of trial before concerned Court in Nagpur, can be directed to be transferred at such belated stage?'*

9. To answer the aforesaid questions, first of all it is necessary to know the underlying intention of Section 406 of CrPC. Section 406 deals with the power of Supreme Court to transfer the cases. The Court can exercise such power for fair trial and to secure the ends of justice. The language impliedly left the transfer of the cases on the discretion of the Court. If the Court is satisfied that it is imperative to transfer the cases in the interest of justice or to secure ends of justice, then it may do so.

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10. In the instant case, it is not in dispute that since 2002, multiple FIRs across four States namely; Gujarat, Maharashtra, New Delhi and West Bengal have been filed against petitioner and other accused persons containing broad and common allegations pertaining to act done in collusion by accused persons to defraud the complainants and misappropriate the money raised thereby while dealing/trading in government securities in the name of accused company M/s Home Trade Limited. The State in its counter affidavit has stated that during investigation, the accused

Company was found not to be eligible to deal in transactions relating to government securities, whereas, petitioner and other accused person namely Sanjay Hariram Agarwal were acting as Directors and authorized signatories of accused Company. From a bare perusal of the facts and FIRs, it is seen that there is commonality of facts in each FIR and that most of the transactions have taken place in Mumbai. Further, the FIRs mainly have petitioner and Sanjay Hariram Agarwal as common accused persons.

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11. As per the details provided by petitioner in a chart annexed with petition, out of all the nineteen FIRs registered against petitioner and other accused persons, one FIR has been registered in Kolkata, West Bengal; two FIRs are registered in Delhi; nine FIRs are registered in different districts of Gujarat and seven FIRs are registered in different districts of Maharashtra. Furthermore, as stated by petitioner and unrefuted by respondent State, out of total 689 witnesses in all nineteen cases pending before respective Trial Courts, 236 witnesses are from Mumbai. It is further not disputed that in multiple cases, almost 20 years have lapsed and yet majority of the trials are pending at the initial stage. It wouldn't be out of place to mention that primary reason for such delay is the multiplicity of proceedings alongwith practical difficulties for the Trial Court to secure the presence of witnesses as well as accused for concluding the trial.

12. The contention of the State that prejudice will be caused if the transfer is allowed at such a belated stage when one of the criminal proceedings is at the final stage is bereft of merit. At

this juncture, it is apt to refer order dated 24.06.2021 passed by High Court of Judicature at Bombay in Criminal Application No. 628/2021 filed by accused Sanjay Hariram Agarwal seeking transfer of criminal cases pending against him. The same is reproduced for ready reference as thus:

“.....(ii) We direct that the trial in said C.C. No. 147/2002 (Crime No. 101/2002 registered with Ganesh Peth Police Station, Nagpur) be completed by passing final judgment and order within maximum period of four months from today. We make it clear that we are granting maximum four months' time in view of Covid-19 restrictions.....

(iii) We make it clear that after completion of trial in said C.C. No. 147/2002 (Crime No. 101/2002 registered with Ganesh Peth Police Station, Nagpur) against other accused except the Applicant, the trial against Applicant be commenced by conducting the same expeditiously and preferably on day-to-day basis and the same be completed within a period of four months after commencement of trial against present Applicant.”

As is evident from the aforesaid order, the High Court directed completion of trial in C.C. No. 147/2002 in a time bound

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manner against other accused persons except the applicant i.e., Sanjay Hariram Agarwal (accused no. 3 in C.C. No. 147/2002). The High Court further directed that once the trial against other accused persons is completed, then only trial against applicant therein shall commence. The High Court effectively split the trial of other accused persons from trial of Sanjay Hariram Agarwal and caused serious prejudice. As is gathered from the records and also stated above, accused Sanjay Hariram Agarwal alongwith petitioner herein were acting in the capacity of the Directors of accused company. The person who could have put the best defence (oral as well as documentary) before Trial Court where evidence led by prosecution was common and mostly related to same transaction, was effectively excluded by the order of High Court. In my considered view, such an approach taken by High Court is prima-facie amounts to differential treatment, causing serious prejudice to the right of fair trial of other accused persons including the petitioner herein.

13. In view of the foregoing discussion, considering the common nature of allegations raised against the petitioner in all

FIRs and criminal proceedings emanating therefrom which are yet pending before respective Trial Courts in four States, I am of the opinion that to meet the ends of justice and fair trial, the transfer petitions deserve to be allowed. Therefore, the instant transfer petitions are disposed-off with the following directions:-

- a) The criminal cases, as specified in para 1 (clause (i) to (xvi)) of this order shall be transferred from the courts, where those are pending, to the court of Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai - 400032, Maharashtra;
- b) the Principal Judge is at liberty to assign the cases to any of the Court situated in his jurisdiction to try all those cases. He is also at liberty to assign some of the cases to any other courts also, if necessary;
- c) it is further directed that the transferor courts shall immediately transmit the record of concerned cases to the Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai - 400032, which should reach on or before 31.10.2022;

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- d) all the accused in the concerned cases shall appear before the Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai on 14.11.2022;
- e) on assignment of those cases to the concerned Court(s), as directed hereinabove, the said Court(s) shall frame the charges within a period of two months from the date of appearance, or on securing presence of the accused persons, if absent; and thereafter the trial be concluded as expeditiously as possible, not later than two years. It is needless to observe that the examination of the witnesses in all cases will be recorded by the Court(s) separately, thereby it should not cause any prejudice to any accused.

.....J.
(J.K. MAHESHWARI)

New Delhi;
September 9, 2022.

T-C
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Adh

Esh - C

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F.I.R. UDHANA Dt. 2-8-02

Police Inspector Shri B.Z. Patel

Sd/- Sr. Jt. C.J. (ID)

J.M.F.C. Surat

I/64/2002

FIRST INFORMATION REPORT OF THE COGNIZIBLE OFFENCE

AS PER SECTION 154 AT THE POLICE STATION

Sub District : Udhana Police Station

District : Surat City

Date and Time of the Offence : During Dt. 5/3/2002 to Dt. 29/4/2002

1) Informed on Dt. & Time : Dt. 30/7/2002 at 21/15 PI : 21/20 PSO

2) Place of Offence and distance from the Police Station :

The Udhana Citizen Co. Op. Bank Ltd., Udhana Road in the House

No. 14 at Udhana, Surat

3) Sent at Police Station on Dt. : 30/7/2002

4) Name and address of the Informer / Complainant :

Shri R. Narayan, Age : 49, Resi: 63, Saurabh Society, Mota Bhagol,

Rander Road, Surat Tele. (R) 2768891 Bank No. 8676970 / 8790501

5) Name and address of the Accused :

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- 1) Sanjay Hariram Agrawal, Chairman of Home Trade Loan Ltd.
And As Chief Executive, Address : Juhu, Shalimar CHS Ltd., 7th
floor, Gulmahor Cross Road No. 10, Juhu Mumbai
- 2) Nandkishor Shankarlal, Address : Dev Njivam, Third floor,
Room No. 32, Mantur Moholla, Mira Bazar. Mumbai
- 3) Subodh Bhandari (Father's name not known) Authorised
Secretary of Hometrade, Address : 744, B. Govind Complex,
Sector No. 24, Vashi New Mumbai
- 4) Ketan Kantilal Sheth, Director of Hometrade Ltd. Address : 193,
Lalit (CSL) 3rd floor, Gulmohar Cross Road-9, Mumbai
- 5) Hiten Bhupendra Shah, Director of Hometrade Ltd., Address :
102, Gandhi Niwas, Ashok agar Road, Vokala Santacruz Mumbai
- 6) Shri Ram Gopal (father's name not known) Director of
Hometrade Ltd., Address : Not known
- 7) C.E.O. Suzuki, Director of Hometrade, Address not known
- 8) Rakesh Chand, (father's name not known) Address not known
- 9) Manoj Ambalal Shah, Director of Hometrade Ltd., Address, 3,
Belari Road, R.M.P. Extention, Bangalore
- 10) Selon James Mackmilan, Director of Hometrade, Address :
785, Keruye Street Montentur, C.A. 94041, U.S.A.

- 11) Russel H. Bokenrojer, Director of hometrade, Address : 2, Timber Terrace, Lofeld N.A. 01940 U.S.A.
- 12) Shri Shashank Gopal Rande, Director of Hometrade Ltd., Address : 3/1 Radhakrushna Niwas, Ground floor, Dahadhi wadi, S.K. Bole Road, Dalal CW (E) Mumbai
- 13) Shri Vijay Himmatlal Modi, Director of Hometrade Ltd., Address : 1/203, Amita Chamber, Borivali, Kumudwali Road, Borivali (E) Mumbai
- 14) Shri Salil Dinkarra Gandhi, Director of Hometrade Ltd., Address : 2/13, Golden Coin Chambers, Goregoan Mumbai
- 15) Shilpa Shah, (father's name not known) Resi: 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Santacruz, Mumbai
- 16) Hiren Gada (father's name not known) Address not known
- 17) Shri Digvijay Hariram Agrawal (address not known)
- 18) Smt. Jagruti Ketan Sheth, Resi: 193, Lalit Kutir, CHS third floor, Gulmohar Cross Road NO. 9 (J.V.P.D.) Mumbai
- 19) Shri Kanji Mewawala, (father's name not known) Address : Javantpura, 5th floor, Opp. Vankhede Stadium, Marine Drive, Mumbai
- 20) Ketan R. Maskariya (Address not known)

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21) Niraj Surti (father's name not known) Address : Surya Flora
1st floor, Surya Shopping Complex, Bharuch

22) Parimal R. Shah, owner of Parimal R. Shah & Co., address :
1/20, Lakun Co.Op. Bhullabhai Park, Andheri (W), Mumbai

Detail of Offence in brief :

As per IPC Section 406, 409, 420, 425, 422, 34 is such that, in this present the above accused with the help of each other and for fulfilling their intention in the name of the different companies for the Government Guarantee purpose had for investment of the money and from the complainant and from others have collected the money and in the HDFC Bank Ltd., Mumbai, ICICI Bank, Mumbai, UTI Bank Ltd., Mumbai, Janta Sahakari Bank Ltd., Mumbai on their relatives names and others in the foreign accounts in illegal manner had made money transfer and has made breach of law of the Foreign Exchange Management Act and had made cheating of Rs. 3,19,96,075/- and from such amount had purchased the property and having such malafide intention and with cheating manner had disposed off the properties and had acted in illegal manner and having intention of leaving India and have committed such offence etc.

PSO UDHANA

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Date : 30/7/2002

Myself R. Narayan, aged 49 years, Occupation : Service, Resi: 63, Saurabh Society, Mota Bhagal, Rander Road, Surat, Tele. No. (R.) 2768891 (Bank) 8676970 / 8799501.

I state my complaint details in person, that I am residing at the above mentioned address with my family and I am working with The Udhana Citizen Co.Op. Bank Ltd., branch since 1996 and from the year 1996 I am working as Bank Manager and in the year 1997 in the same bank has been appointed as the General Manager. I state that, in our The Udhana Citiuzens Co. Op. Bank, there are four branches, wherein at Udhana Road No. 14 there is the main branch and other than this in Surat Pandesara Ring Road, Udhana Gate, Dukal Pole Bhagol, Nanpura, Timbaliya Vad, there is the bank branch and our Bank is registered as per the Reserve Bank of India rules and regulations as a Co.Op. Bank.

As to the increase of our Bank Deposit, and as per the guidelines of the Reserve Bank, has to invest in the Government Securities and was compulsory the investment was to be made such was decided.

Then after in the year 1999 April month Ketan Kantilal Sheth and Niraj Surti had came to our bank and this Ketan Sheth, Resi. Of 193, Bhalal Kutir (CHS) 3rd floor, Gulmohar Road No. 9, Mumbai and Niraj



Surti, Resi: Surya Flats, 1st floor, Surya Shopping Complex, Bharuch and at the first had came to our bank and had met me and had informed that they do the business of Government Securities and its purchase and sales are done such was said and had informed us that our Company name Ketan Sheth and Ketan Sheth & Co. partner and Asian Securities Ltd., Director and are the representative of the company and our bank company stock exchange member and government securities purchase and sales authorized. We are doing work in Gujarat and Maharashtra with many of the Co.Operative banks and out office is situated at Infratec Park, Tower No. 3, 5th floor, Vashi Railway Station Complex, New Mumbai and their required documents such as (1) National Stock Exchange member Certificate (2) Company Registration Certificate (3) Audited Balance sheet etc. was shown to me and we had made trust and faith on him and had intended to purchase the government securities from them. To this in our Bank Investment Committee members the procedure was carried out and at the first Ketan Sheth & Co., Shah Securities the purchases sale transactions was made. In the said firms at time period the transactions were made and Rs. 41,93,812/- transactions in the social securities Ltd. The sales purchases deals were made for Rs. 1,51,37,953/- and were

completed and had taken us in their faith and by this manner they had been doing business with us.

Then after in the month of January 2000 Ketan Sheth and Sanjay Hariral Agrawal, Resi: Juhu Shalimar CHS Ltd., 7th floor, Gulmohar Cross Road No. 10, Juhu, Mumbai and Nandkishor Shankarlal Trivedi, Resi: Dev Bhuvan, Second floor, No. 32, Majdur Moholla, Mira Bazar, Mumbai and Nandkishor Trivedi Resi: Mumbai had came to our bank and Ketan Sheth Case of Hariram Agrawal Home Trade Chairman and Chief Executive Director had given their introduction. We had been said such that, Uro Asian Securities, name has been changed to Hometrade Limited and in our said company is the member of National Stock Exchange. And their company is doing the sales purchases of the government securities and has all such qualifications and they had said such that, in the said companies good management has been doing the business and in their company Shahrukhkhan, Rutvik Roshan, Sachin Tendulkar and Priyanka Chopda had made their advertisement. And to that the required documents and National Stock Exchange Member Certificate and Registration Certificate etc. was shown and had procured our faith and trust on them. As such myself and Prashant B. Patel, Computer Suppliers with Hometrade Ltd., Mumbai had gone to visit in the month of January, 2002

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and there Ketan Sheth had introduced us with Hariram Agrawal, Nandkishor Shankarlal Trivedi, Sudueshbhai Bhandari, Jagruti Ketan Sheth and Shilpaben Shah etc. and in their new company Hometrade Ltd., for doing sales purchases was informed and request was made to us. As to their previous dealings and trade had made trust on them and we in their new company had decided to do the business and from February 2000 to March 2002 for twelve (12) deals of Rs. 12,27,48,512/- was made and in the said company for having bad and malafide intention and for the offensive act, had procured our trust and faith to them.

As per our knowledge the said Hometrade Co., Chairman, Secretary, Executive, Authorised Signature, Legal Officer, Chartered Accounts etc. are as follows :

- 1) Sanjay Hariram Agrawal, Chairman and Chief Officer, of Hometrade Ltd., Address : Juhu Shalimar (CHS) Ltd., 7th floor, Gulmohar Cross Road No. 10 Juhu, Mumbai
- 2) Nandkishor Shankarlal Trivedi, Secretary and Exe. Director of Hometrade Ltd. Address : Devbhuvan, 2nd floor, Room No. 32, Gajkar Mohalla, Mira Bazar, Mumbai

- 3) Subodh Bhandari (Father's name not known) Authorised Secretary of Hometrade, Address : 744, B. Govind Complex, Sector No. 24, Vashi New Mumbai
- 4) Ketan Kantilal Sheth, Director of Hometrade Ltd. Address : 193, Lalit (CSL) 3rd floor, Gulmohar Cross Road-9, Mumbai
- 5) Hiten Bhupendra Shah, Director of Hometrade Ltd., Address : 102, Gandhi Niwas, Ashok agar Road, Vokala Santacruz Mumbai
- 6) Shri Ram Gopal (father's name not known) Director of Hometrade Ltd., Address : Not known
- 7) C.E.O. Suzuki, Director of Hometrade, Address not known
- 8) Rakesh Chand, (father's name not known) Address not known
- 9) Manoj Ambalal Shah, Director of Hometrade Ltd., Address, 3, Belari Road, R.M.P. Extention, Bangalore
- 10) Selon James Mackmilan, Director of Hometrade, Address : 785, Keruye Street Montentur, C.A. 94041, U.S.A.
- 11) Russel H. Bokenrojer, Director of hometrade, Address : 2, Timber Terrace, Lofeld N.A. 01940 U.S.A.
- 12) Shri Shashank Gopal Rande, Director of Hometrade Ltd., Address : 3/1 Radhakrushna Niwas, Ground floor, Dahadhi wadi, S.K. Bole Road, Dalal CW (E) Mumbai

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- 13) Shri Vijay Himmatlal Modi, Director of Hometrade Ltd.,
Address : 1/203, Amita Chamber, Borivali, Kumudwali Road,
Borivali (E) Mumbai
- 14) Shri Salil Dinkarraai Gandhi, Director of Hometrade Ltd.,
Address : 2/13, Golden Coin Chambers, Goregoan Mumbai
- 15) Shilpa Shah, (father's name not known) Resi: 102, Gandhi
Niwas, Ashok Nagar Road, Vakola, Santacruz, Mumbai
- 16) Hiren Gada (father's name not known) Address not known
- 17) Shri Digvijay Hariram Agrawal (address not known)
- 18) Smt. Jagruti Ketan Sheth, Resi: 193, Lalit Kutir, CHS third
floor, Gulmohar Cross Road NO. 9 (J.V.P.D.) Mumbai
- 19) Shri Kanji Mewawala, (father's name not known) Address :
Javantpura, 5th floor, Opp. Vankhede Stadium, Marine Drive,
Mumbai
- 20) Ketan R. Maskariya (Address not known)
- 21) Niraj Surti (father's name not known) Address : Surya Flora
1st floor, Surya Shopping Complex, Bharuch
- 22) Parimal R. Shah, owner of Parimal R. Shah & Co., address :
1/20, Lakun Co.Op. Bhullabhai Park, Andheri (W), Mumbai

As such the above mentioned all the persons on different designation in the Hometrade Co., had procured our trust and faith and on Dt. 27/2/2000 Ketan Sheth, Shilpa Shah, Jagruti. Kanan Mewala and Niraj Surati had in our Bank and with us for the Government Securities Scheme No. 8007/2017 Scheme name for making investment had informed us that there will be good profit and as such had made decision to make investment in the securities and thereby an amount of Rs. 3,00,00,000/- Rupees three crores in the Government Securities 8.07 % G.O.I. was purchases of 2017 and in the name of the Hometrade Ltd., our HDFC Nariman Point, Mumbai branch Cheque No. 6489000 Dt. 5/3/02 for Rs. 3,19,96,075/- was deposited in the HDFC Bank, Athwalines, Surat to which Content Note No.7431 was made and at the time of doing the Agreement, the said purchased Government Securities physical delivery was to be made in short time period 45 fortyfive days and such faith and trust was given and from us the said check was then honoured on Dt. 27/4/02 and the purchased government securities physical delivery was to be taken from Hometrade Ltd., and such shall be made was informed to us and on passing out the physical delivery time period, often on telephone the demand was made, but by them saying one or

the other reasons, the said government security delivery was not given to us and then we on Dt. 29/4/02 had gone to Hometrade Ltd., office and there no any responsible person was present and there all the company's directors and officers have left out the office and had ran away, such was known to us from other different sources and as to fulfill their bad intention in Gujarat and Maharashtra with many Sahakari Bank crores of rupees offence has been made and with us also such act of investing in government securities and on not giving the physical delivery an amount of Rs. 3,19,96,075/- had been taken from us and cheating has been made with us.

As such the above all the persons with the help of each other and with their consents having making cheating with the public money having made cheating with different banks, depositors money had made transfer of funds money to the foreign countries and as to their local immovable properties the investment has been made from such transactions and with our bank at village : Mopal, Rajpath Club, Sarkhej, Ahmedabad, the above mentioned persons has acquired in illegal manner the immovable properties and at Surat Nagrik Sahakari Bank Ltd., have taken the loans and above this the above mentioned persons properties at Mumbai are with the police

departments. And all this Janata Sahakari bank Ltd. Mumbai Fort branch also this persons has the properties, such details are with them.

As per the above details all the persons mentioned above had with the help of each other and for fulfilling their intention in the name of different companies on stating to invest in the government bonds and in other institutions had with our HDFC Bank Ltd., Mumbai and ICICI Bank Ltd., Mumbai, UTI Bank Ltd., Mumbai, Janta Sahakari Bank Ltd., Mumbai, Indusind Bank Ltd. Mumbai and Bank of India, Mumbai in their names and in the names of other had in illegal manner transferred the money / funds and in illegal manner has committed offence as per IPC Section and also under Foreign Exchange Management Act provisions and as such this Company had made deals of Rs. 14,20,78,237/- and for making suit against above persons had been requested to us.

As such the above mentioned persons had cheated us for Rs. 3,19,96,075/- and in Gujarat and Maharashtra with the Co.Op. Banks, the cheating has been made for crores of rupees for investing into the government and as to the property belonging to them may not be sold and having such bad intention and for preventing them to

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do any unlawful acts and may not run away into the foreign countries as such their passport should be seized and legal procedure against them be made is our complaint. Our witness are the persons found during the investigations. Our complaint details are true and correct.

- 1) We the complainant
- 2) HDFC Bank Nariman Point Backbay Reclamation, Mumbai branch accused accounts details known officer / person.
- 3) HDFC Bank, Nariman Point, Backbay Reclamation, Mumbai branch accused accounts details known officer / person dealings of the accused persons.
- 4) ICICI Bank, Nariman Point, Mumbai branch known person
- 5) UTI Bank Ltd., Fort, Mumbai branch known person
- 6) Janta Sahakari Bank Ltd., Fort Mumbai known person
- 7) Indusind Bank Nariman Point, Mumbai known person
- 8) Bank of India, Stock Exchange Branch, Mumbai known person
- 9) Capital Market Branch, Fort, Mumbai known person
- 10) Ahmedabad Muni. Corporation Bopal Cillage City Survey Records Registration and Ownership details responsible person

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- 11) Surat Nagrik Sahakari Bank, accused property taken in writing, related officer.
 - 12) D.R. Trivedi, Udhana Citizen Co. Op. Bank Ltd., Surat
 - 13) Arvindbhai L. Patel, Udhana Citizen Co. Op. Bank Ltd., Surat
 - 14) Prashant B. Patel, Resi: Rander, Surat, etc.

The above mentioned my complaint details is true and correct.

Sd/- Before me : Sd/- Police Inspector
I have received copy Udhana Police Station, Surat
Of my complaint.

Sent to : Third Joint Civil Judge & Judi. Magistrate FC

Surat City Dt. 31/7/02 Sd/- Police Station Officer,
Udhana Police Station, Surat City

Application No. 3305/2002
Copy application made by : Chandrakant
Application on Dt. 27/8/2002 Sd/- Registrar
Application copy on Dt. 27/8/2002 Sd/- Registrar
Copy ready on Dt. 28/8/2002 Sd/- Registrar
Copy delivered on Dt. 28/8/2002 Sd/- Registrar
Xerox copy : 14 sides
Xerox charges Rs. 10-50
Paper charges Rs. 3-50
Total Rs. 14-00

~~pl~~ am not member of Advocate welfare fund therefore stamp of Rs 2 is not affixed
herewith

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. OF 2025

Dist.: -Mumbai

Sanjay Hariram Agarwal) ...Petitioner

V/s

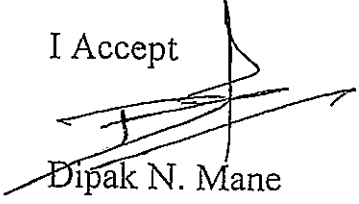
State of Maharashtra & Anr.) ... Respondents

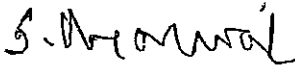
VAKALATNAMA

I Sanjay Hariram Agarwal, Petitioner hereinabove, do hereby, nominate and appoint Mr. DIPAK N. MANE, Advocate High Court, to act, appear and plead for me in the above Application.

IN WITNESS WHEREOF, we have set and subscribed our respective hands to this writing on this ^{7th} day of ^{Jan} December, 2025.

I Accept


Dipak N. Mane
Advocate High Court
7, 1st Floor, Building no.6,
M.K. Amin Marg, Borabazar,
Fort, Mumbai – 400 001,
Cell No. 9271777197
Email dipakmane777@gmail.com
Adv. Code: I-9128, MAH/2287/2008


Petitioner
(Sanjay Hariram Agarwal)
petitioner



IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIM. / CIVIL APPELLATE JURISDICTION
ORDINARY ORIGINAL CIVIL JURISDICTION

Civ. WP (S) No. of 2026

Sanjay H. Agarwal

_____ }
_____ } Appellant/s
_____ } Applicant/s
_____ } Petitioner/s

Versus

Stat of mech & Arr

_____ }
_____ } Respondent/s
_____ }

Dated this 08 day of Jan 2026

Adv = Dipak N. Mame

ADVOCATE HIGH COURT

Advocate for Applicant/s/Defendant/s/Plaintiff/s/Petitioner/s/
Appellant/s/Respondent/s/ Complainant/s