

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

WRIT PETITION NO.5811 OF 2021

- | | | | |
|----|------------------------------------|---|-----------------|
| 1. | Markas Yohan Thorat |] | |
| | An Indian Inhabitant, |] | |
| | Age: 67 years |] | |
| | A senior citizen, Occ: Business |] | |
| | Residing at Nagacha Khadak, |] | |
| | Near Petrol Pump, Mubrad, |] | |
| | Thane 421 401. |] | |
| 2. | Keshav Narayan Iddya |] | |
| | Indian Inhabitant, |] | |
| | Age: 60 years, |] | |
| | A/101, Classic View CHS, |] | |
| | I.C. Colony, Ext. Road, Kanderpada |] | |
| | Dahisar (West), |] | |
| | Mumbai 40 068 |] | ... Petitioners |

V/s.

- | | | | |
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| 1. | The State of Maharashtra |] | |
| | Through Bhoiwada Police Station, |] | |
| | EOW (IX), Mumbai. |] | |
| 2. | Through Lashkar Police Station, Pune. |] | |
| 3. | Through Chatursingi Police Station, Pune. |] | |
| 4. | Vanitha Devidas Sajnani |] | |
| | Hindu, Indian Inhabitant, |] | |
| | Age: 47 years, |] | |
| | 117, Navjivan Colony, Mori Road, |] | |
| | Mahim, Mumbai – 400 016. |] | |
| 5. | Deepa Devidas Sajnani |] | |
| | Hindu, Indian Inhabitant, |] | |
| | Age: 49 years, |] | |
| | 117, Navjivan Colony, Mori Road, |] | |
| | Mahim, Mumbai – 400 016. |] | |
| 6. | Sunil Dada Gaji (Bapu) |] | |
| | Hindu, Indian Inhabitant, |] | |
| | Age: 53 years, |] | |
| | R/a. 249/1, Flat No.10, Murkute |] | |

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| | Colony, Dr. P Road, |] | |
| | Aundh, Pune 411 007. |] | |
| 7. | Mustafa Rampurwala |] | |
| | Indian Inhabitant, |] | |
| | Age: 52 years, |] | |
| | R/at. Dawoodi Manzil, Plot No.222, |] | |
| | Burhanayah Colony, Gultekadi, |] | |
| | Market Yard, Pune – 411 037. |] | |
| 8. | Vivek Malhotra |] | |
| | Hindu, Indian Inhabitant, |] | |
| | Age: 49 years, |] | |
| | R/at. Geetanjali Kunj, Sahakari Griha |] | |
| | Nirman Sanstha, Camp, Pune. |] | |
| 9. | Ramesh Jainmal Agicha |] | |
| | Hindu, Indian Inhabitant, |] | |
| | Age: 57 years, |] | |
| | R/at. B/13, Sai Paradise, Lotus Hospital |] | |
| | Shiv Sai Lane, Kokani Chowk, Rahatani, |] | |
| | Pune – 411 017. |] | ... Respondents |

Mr. I. S. Thakur & Mr. Arjun Singh Thakur i/by Global Juris Consults for the Petitioners.

Smt. Prajakta P. Shinde, APP, for the Respondent-State.

Mr. Mohan Khandare, PI, EOW, Pune, present.

Mr. Navnath Ugde, API, EOW, Mumbai, present.

Mr. Abdul Patel, PSI, Laxkar PS, Pune, present.

CORAM : A. S. GADKARI AND

KAMAL KHATA, JJ.

RESERVED ON : 23rd April, 2026.

PRONOUNCED ON : 24th June, 2026.

Judgment (Per : Kamal Khata, J) :-

- 1) By this Writ Petition under Article 226 of the Constitution of India, the Petitioners seek a direction that three criminal cases be clubbed and tried jointly by a Special Court constituted under the Maharashtra

Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act) at Mumbai, where MPID Special Case No.12 of 2018 is pending. The said case arises out of CR No.11 of 2017 registered with the Bhoiwada Police Station and investigated by Unit IX, of the Economic Offences Wing, Mumbai, (EOW).

2) Heard Mr. Thakur for the Petitioners and Smt. P. P. Shinde for the Respondent-State. Perused record and the Affidavit dated 30th March, 2026 by the Special Inspector General of Police and the Affidavit dated 15th April, 2026 by the Additional Chief Secretary, Home Department, Government of Maharashtra, Mantralaya

3) Mr. Thakur, learned Advocate appearing for the Petitioners, submits that, in view of the law laid down by this Court as well as the Hon'ble Supreme Court, offenses of the same kind arising from similar transactions ought to be clubbed and tried by one Court. In support of this submission, he relies upon the decision of this Court in *Pramod Bhaichand Rasoni & Ors. vs. The State of Maharashtra & Anr.* reported in 2019:BHC-AS:14604-DB. He submits that, in the said case, 77 criminal cases involving 42,470 witnesses, pending before different Special MPID Courts across Maharashtra, were transferred to the Special Court (MPID) at Jalgaon. While doing so, this Court rejected the objections raised by the State upon considering the relevant provisions of the Code of Criminal Procedure, 1973 ('Cr.PC.'), including the exceptions contained in Sections 219, 220, 221 and

223 thereof.

3.1) Inviting our attention to paragraphs 15 and 16 of the said decision, Mr. Thakur submits that, the transactions involved therein were similar in nature: deposits were collected from investors promising high returns and were thereafter allegedly defrauded, resulting in registration of several FIRs. According to him, the factual position in the present case is identical, as the three cases presently pending before the Special MPID Court in Pune and Mumbai arise from similar transactions.

3.2) Mr. Thakur next relies upon the decision of the Supreme Court in *Radhey Shyam vs. State of Haryana & Ors.* reported in 2022 DGLS (SC) 909, decided on 12th May, 2022. He submits that the Supreme Court, in exercise of its powers under Article 142 of the Constitution of India, directed the clubbing of FIRs upon observing that multiplicity of proceedings would not serve the larger public interest. He further points out that, in that case, the concerned States had no objection to such a course being adopted.

3.3) Reliance is also placed upon the decision of the Supreme Court in *Abhishek Singh Chauhan vs. Union of India & Ors.* reported in 2022 DGLS (SC) 906. Referring particularly to paragraph No.10 thereof, Mr. Thakur submits that, the Supreme Court directed that subsequently registered FIRs be treated as statements under Section 161 of the Cr.P.C. The cases pending before different Courts were transferred to the place

where the first offense had been registered and were directed to be tried by the Court having jurisdiction.

3.4) Mr. Thakur further relies upon the decision of the Supreme Court in *Odelia Satyam & Anr. vs. The State of Telangana & Ors.* reported in 2025 INSC 1174. He submits that, although there was nothing on record to indicate that the State had consented to such a course, the Supreme Court nevertheless directed that the various cases be clubbed and tried by the Court within whose jurisdiction the first offence had been registered. Relying upon paragraph 13 of the said decision, he points out that the accused were directed to bear the travelling and other expenses of the witnesses throughout the trial.

4) In view of the directions issued by the Supreme Court in *Odelia Satyam* (supra), the Petitioners filed an Affidavit dated 23rd September, 2025, undertaking to bear the expenses of the witnesses. Clause D of the said Affidavit reads thus:

“D. In the event that the cases are transferred to the MPID/Special Court at Mumbai upon allowing the present Petition, we undertake to bear, in equal proportion, the expenses of the witnesses whom the prosecution proposes to examine from Pune, towards their to-and-fro travel between Pune and Mumbai by train in AC class, along with one meal. It is further undertaken that such expenses shall remain fixed and shall not vary irrespective of the actual mode of travel

adopted by the said witnesses”.

- 5) *Per contra*, Smt. Shinde, learned APP appearing for the State, opposes the Petition by relying upon the Affidavit dated 30th March, 2026 filed by the Special Inspector General of Police (Law and Order), from the office of Director General of Police (DGP) as well as the Affidavit dated 15th April, 2026 filed by Ms. Manisha P. Mhaskar, Additional Chief Secretary, Home Department, Government of Maharashtra, Mantralaya.
- 6) Relying upon paragraph No.13 of the Affidavit dated 15th April, 2026, the learned APP submits that, the State has no objection to C.R. No.60 of 2017 (MPID No. 3 of 2017) registered at Lashkar Police Station, Pune and C.R. No.275 of 2017 (MPID No. 14 of 2017) registered at Chaturshrungi Police Station, Pune being clubbed and tried together. The State, however, submits that C.R. No.11 of 2017 (MPID No. 12 of 2018) registered at EOW Mumbai ought to continue to be tried at Mumbai, particularly having regard to the fact that the case involves 567 investors, of whom 275 are above 60 years of age.
- 7) In our considered view, the explanation furnished in the Affidavit dated 30th March, 2026 by the Special Inspector General of Police and the Affidavit dated 15th April, 2026 by the Additional Chief Secretary, Home Department, Government of Maharashtra, Mantralaya, is reasonable, justifiable and merits acceptance.

8) The Affidavit of the Additional Chief Secretary states that the three cases collectively involve 1846 investors/ victims, of whom approximately 502 victims are senior citizens. Transferring all the cases pending at Pune and Mumbai to Mumbai would, therefore, require a substantial number of senior citizens residing in or around Pune to travel to Mumbai for the purposes of the trial.

9) The undertaking given by the Petitioners to bear the travelling and meal expenses of the witnesses does not adequately address the difficulty. Financial assistance by itself, cannot alleviate the physical hardship and inconvenience that senior citizens may be required to undergo while travelling from Pune to Mumbai for attending the trial.

10) The chart contained in paragraph 11 of the Affidavit dated 15th April, 2026 indicates the following position:

a) CR No. 11 of 2017 (MPID Case No.12 of 2018), arising from the case registered by EOW Mumbai, involves 567 investors/victims, of whom 275 investors/victims are above 60 years of age.

b) CR No. 275 of 2017 (MPID Case No.14 of 2017), registered with Chaturshrungi Police Station, EOW, Pune, involves 1231 investors/victims, of whom 221 investors/victims are above 60 years of age.

c) CR No. 60 of 2017 (MPID Case No.3 of 2018), registered

at Lashkar Police Station, Pune, involves 48 investors/victims, of whom 6 investors/victims are above 60 years of age.

11) Having regard to the aforesaid circumstances and upon balancing the convenience of the accused with that of the investors/victims, we are of the view that, the two cases arising from the FIRs registered with Chaturshrungi Police Station, Pune and Lashkar Police Station, Pune, ought to be clubbed and tried together by the concerned Special MPID Court at Chaturshrungi Police Station, Pune. Since the larger of the two Pune cases is MPID Special Case No.14 of 2017, the connected case may appropriately be transferred to and tried by the Court before which MPID Special Case No. 14 of 2017 is pending.

12) The case arising from the FIR registered by the EOW, Mumbai, shall continue to be tried by the concerned Special MPID Court at Mumbai. In our opinion, this arrangement substantially addresses the grievance of the Petitioners while also safeguarding the convenience of the investors/victims, particularly the senior citizens. It would also facilitate the expeditious conduct of the trials and advance the object of the MPID Act.

13) Hence, the following order:

- a) C.R. No.60 of 2017 (MPID case No. 3 of 2017) registered at Lashkar Police Station and C.R. No.275 of 2017 (MPID NO. 14 of 2017) registered at Chaturshrungi

Police Station, Pune, shall be clubbed and tried together with MPID Special Case No. 14 of 2017 by the Special MPID Court at Pune Court.

b) The proceedings arising from C.R. No. 60 of 2017 (MPID No 3 of 2018) shall accordingly be transferred to the said Court within two weeks from the date of passing this Judgment by the concerned Court.

c) C.R. No.11 of 2017 (MPID No 12 of 2018) registered at EOW Mumbai, shall continue to be tried by the concerned Special MPID Court at Mumbai.

14) The Writ Petition is partly allowed in the aforesaid terms.

14.1) Rule is accordingly made absolute.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.).