

(2024) 12 BOM CK 0026

Bombay High Court

Case No: Criminal Writ Petition No. 4813 Of 2024

Vidyaa Sudhir Moravekar

APPELLANT

Vs

Serious Fraud Investigation
Office Through its Authorized
Officer & Ors

RESPONDENT

Date of Decision: Dec. 18, 2024

Hon'ble Judges: Revati Mohite Dere, J; Advait M. Sethna, J

Bench: Division Bench

Advocate: Sankalp Sharma, Vidhi Rath, Abhijeet Badar, Pradip D. Gharat, P.P.Shinde,
S.K.Halwasia, Keshav Thakur

Final Decision: Allowed

Judgement

Revati Mohite Dere, J

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal.
3. By this petition, the petitioner, a senior citizen aged 67 years, seeks quashing and setting aside of the Look-Out Circular (â€~LOCâ€™) issued against her at the instance of the Serious Fraud Investigation Office (â€~SFIOâ€™).
4. Learned Counsel for the petitioner states that chargesheet has been filed in the said case by the SFIO in February, 2024 and that cognizance of the said chargesheet has also been taken by the Court in September, 2024. He submits that infact, the learned Counsel appearing for the respondent â€~SFIO in a petition preferred in the same case by another accused - Siddharth Moravekar had submitted that on cognizance being taken, LOC will be

withdrawn against co-accused " Siddharth Moravekar. He submits that since chargesheet is filed and cognizance is taken, the question of keeping the LOC pending even against the petitioner does not arise.

5. Learned Counsel appearing for the respondent No.1 opposes the petition.

6. Learned Counsel for the respondent No.1 has placed before us a photocopy of the LOC issued at the instance of the SFIO. The same is taken on record.

7. The petitioner is the wife of the accused " late Sudhir Moravekar. It appears that the EOW had registered an FIR, way back, in 2017 as against

the petitioner's husband and that one chargesheet has been filed in the said case against the petitioner's husband on 30th October, 2021. It

appears that till date, chargesheet has not been filed qua the petitioner, though according to the learned Counsel for the EOW, the petitioner is also an

accused in the said case. It also appears that SEBI has filed several prosecution complaints in the matter of Pan Card Club Limited, way back, in

2019. The petitioner is arraigned as an accused by the SFIO, in a case registered at the instance of SFIO. The petitioner has attended the office of the

SFIO as and when directed and has co-operated with the investigation. It is also a matter of record that SFIO has filed chargesheet in the said case

before the learned Special Judge and the learned Special Judge has taken cognizance of the said chargesheet filed by the SFIO. The petitioner is a

resident of Mumbai and as such, has roots in the society. She is a lady and a senior citizen.

8. We have perused the proforma of the LOC issued at the behest of the SFIO. In column No.4 i.e. "reason for opening the LOC", nothing is

mentioned. The said column is blank. The purpose of issuing the LOC is the only to ensure whether the person is likely to abscond, a flight risk and not

available for trial. In the present case, the petitioner has been granted anticipatory bail and the said order is annexed to the petition at "annexure -

" at page 19 on certain terms and conditions stipulated therein.

9. Considering the aforesaid, the petition is allowed on the following terms and conditions :

ORDER

i) LOC issued at the behest of the SFIO against the petitioner is quashed and set aside.

ii) The respondent " SFIO shall inform the Immigration Authorities of the order passed today, at the earliest and in any event, within 48 hours of the order being uploaded;

iii) Needless to state, that if occasion so arises in future, it is always open for the Respondent - SFIO to issue a fresh notice.

10. Rule is made absolute on the aforesaid terms. The petition is accordingly allowed and is disposed of.

11. All concerned to act on the authenticated copy of this order.