

IN THE SPECIAL COURT AT BOMBAY
Constituted under the Special Court [Trial of Offences
Relating to Transactions in Securities] Act, 1992

MISCELLANEOUS PETITION NO.3 OF 1996

The CustodianPetitioner

V/s.

V. Krishnakant and Ors.Respondents

Mr. J. Chandran, i/by Leena Adhvaryu & Associates, for the Petitioner.

Mr. Rashid Khan, with Ms. Dhanashree Gaikaiwari and Mr. Yohan Mehta, i/by Bilawala & Co., for Respondent No.1.

Ms. Radha Ved, i/by Kiran Jain and Co., for Respondent No. 2.

Mr. Dipen Furia, i/by M/s. Shah and Furia Associates, for Respondent Nos.3A to 3E.

Mr. Rajiv Kumar, Sr. Advocate, with Mr. Gautam Mehta, Mr. Aziz Khan, Mr. Anagh Pradhan, Mr. Abraham Fernandes and Mr. Anand Iyer, i/by Divya Shah Associates, for Respondent No.4.

CORAM : A.K. MENON, J.
JUDGE, SPECIAL COURT

DATE : 5TH MARCH, 2021.

P.C. :

1. This petition is listed for directions today since it has been restored to file. The record reveals that a written statement has been filed by defendant no.4. One Vidyut K. Shah has filed an affidavit dated 3rd March 1999 in reply to the petition. One Narendra C. Dangarwala, Director of respondent no.2, has filed an

affidavit dated 19th January 1996. A further affidavit has been filed by the same gentleman dated 22nd June 2000, once again on behalf of respondent no.2. A third affidavit dated 18th January 1996 has been filed by one T.B. Ruia on behalf of respondent no.2 by respondent no.3. Respondent no.3 has filed a second affidavit dated 11th July 2000. An affidavit-of-documents has been filed on behalf of respondent nos.1, 2 and 4. Issues have been framed on 22nd April 2003. In the circumstances, the matter is now ready to proceed to trial.

2. One Vidyut K. Shah has filed an affidavit dated 16th October 2006 on or about 22nd November 2006. It is described as an affidavit-of-evidence on behalf of respondent no.1. Although the affidavit is part of the proceedings, it does not appear to have been filed pursuant to any order of the court. Today it is stated by learned counsel for the respondent no.1 that the respondent does not intend to lead any evidence. The affidavit of Vidyut K. Shah dated 16th October 2006 does not appear to have been tendered in court, nor was he examined. In the circumstances, the statement of the learned counsel is accepted.

3. On behalf of respondent nos.2 and 3, both learned counsel state that they intend to lead evidence; however, they have no instructions as to the identity of the witnesses they propose to examine. As far as respondent no.4 is concerned, Mr. Kumar states that he will have to take instructions on this aspect as well.

4. In the circumstances, affidavit-of-evidence, if any, on behalf of respondent nos.2 and 3A to 3E shall be filed on the next date, when the witnesses shall remain present. Compilation of documents shall also be kept ready.

5. List the petition for hearing on 12th March 2021.

[A.K. MENON, J.]