

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

MISCELLANEOUS PETITION NO.4 OF 1996

The CustodianPetitioner

V/s.

Suresh Shah and Ors.Respondents

ALONG WITH

MISCELLANEOUS APPLICATION NO.18 OF 2017

AND

MISCELLANEOUS APPLICATION NO.19 OF 2017

Suresh ShahApplicant

In the matter between

The CustodianPetitioner

V/s.

Suresh Shah and Ors.Respondents

Mr. J. Chandran, i/by Leena Adhvaryu & Associates, for the Petitioner-Custodian in SPMP/4/1996.

Mr. Rashid Khan, with Ms. Dhanashree Gaikawaiwari and Mr. Yohan Mehta, i/by Bilawala & Co., for Respondent No.1 in SPMP/4/1996.

Ms. Radha Ved, i/by Kiran Jain and Co., for Respondent No.2 in SPMP/4/1996.

Mr. Dipen Furia, i/by M/s. Shah and Furia Associates, for Respondent Nos.3A to 3E in SPMP/4/1996.

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. The record indicates that evidence of respondent no.1 is now complete, Mr. Khan, learned counsel for respondent no.1 states that he has filed two further applications being SPMA/18/2017 and SPMA/19/2017. In SPMA/18/2017, the applicant-original respondent no.1 seeks leave to examine a handwriting expert in relation to Exhibit R1-(6). Today, the learned counsel states, on instructions, that he does not wish to press this application. He seeks to withdraw this application.

2. In SPMA/19/2017, learned counsel for the applicant-original respondent no.1 seeks issuance of witness summons to an officer of the Income Tax Department in the office of the Principal Commissioner of Income Tax in relation to an attempt to prove the documents at Exhibits R1-29 and R1-30 being copies of statements recorded under Section 133-A of the Income Tax Act. The learned counsel today states that he has instructions to withdraw this application.

3. Mr. Khan states that respondent no.1 does not now intend to lead any further evidence. The 2nd respondent and the 3rd respondent have made

statements and as recorded in the order dated 27th January 2017 that they do not wish to lead any evidence. In view thereof, Mr. Kumar today states that although time was sought to file evidence on behalf of respondent no.4, today he does not wish to lead any evidence.

4. I therefore pass the following order :-

- (i) SPMA/18/2017 is disposed as withdrawn.
- (ii) SPMA/19/2017 is disposed as withdrawn.
- (iii) Evidence on behalf of all respondents stands closed.
- (iv) S.O. to 12th March 2021 for hearing SPMP/4/1996.

[A.K. MENON, J.]