

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Writ Petition No.1547 of 2014

Prakash s/o Nivruttirao Pensalwar. .. **Petitioner.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Suhas P. Urgunde, Advocate, for petitioner.

Shri. K.S. Patil, Additional Public Prosecutor, for
respondent.

**CORAM: T.V. NALAWADE &
Smt. I.K. JAIN, JJ.**

DATE : 25th MARCH 2015.

ORDER:

1) The proceeding is filed for giving directions to the investigating agency to seize the stolen property from the accused as per the panchanama of seizure. The case is filed for offence punishable under section 379/34 of the Indian Penal Code. There is some dispute over the possession of the immovable property and it appears that the owner of the property has contended that he has kept the household articles of the present petitioner in one room situated to the back side of the shop. It is the case of

the petitioner that the shop was in his possession on lease basis. There is grievance that in stead of actual seizure of the property and taking the property in custody police have allowed to keep the property there only. The petitioner wants to take custody of the property as admittedly he is the owner of the property. Learned counsel for the petitioner submitted that as the property is not shown to be seized the petitioner is facing difficulty in making application for getting interim custody of the property.

2) In view of these circumstances this Court holds that it is open to the present petitioner to file application for interim custody to the concerned Court and as there are aforesaid circumstances the concerned Court can make order of giving interim custody in favour of the petitioner. List/Inventory to be prepared. The learned Judge of the trial Court is expected to pass appropriate orders within one month from the date of filing of the application. In those terms the criminal writ petition is disposed of.

Sd/-
(Smt. I.K. JAIN, J.)
rsl

Sd/-
(T.V. NALAWADE, J.)