

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.751 OF 1996

DINDAYAL BALKRISHNA ZANVAR & ANR.)...APPELLANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

None for the Appellant.

Smt.S.Gajare-Dhumal, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 5th OCTOBER 2015.

JUDGMENT :

1 This is an appeal under Section 454 of the Code of Criminal Procedure (Code) by the appellants abovenamed, who were the accused nos.1 and 2 respectively in Special Case No.1 of 1986. Apart from the appellants, there were four others who were also accused in the said special case. The allegation against the appellants and the other accused was that they had committed an offence punishable under Section 7 of the Essential Commodities Act read with Section 3A thereof. The learned Additional Sessions

Judge acquitted all the accused including the appellants. He, however, ordered the muddemal property that had been seized to be confiscated to the State and to be disposed of in accordance with law. The appellants are aggrieved by that part of the judgment and order which deals with the disposal of the property and hence have filed the present appeal.

2 None had been remaining present on behalf of the appellants. In the year 2013, Advocate Smt.Pooja Bhojane was appointed by this court to represent the cause of the appellants. However, today, even she is not present. Under the circumstances, the appeal is being decided after going through the appeal memo, record and proceedings and after hearing Smt.S.Gajare-Dhumal, the learned APP for the State.

3 I have carefully gone through the impugned judgment.

4 There is no discussion as to the reasoning leading to the disposal of the property in the impugned judgment.

5 In the circumstances, it appears proper to set aside the
order passed by the learned Additional Sessions Judge, so far it
relates to the disposal of the property, and to direct the learned
Additional Sessions Judge to hold an inquiry into the matter and
then pass an order for the disposal of the property afresh and in
accordance with law. The learned Additional Sessions Judge shall
give an opportunity of being heard to the appellants and to the
State.

6 The appeal is disposed of in the aforesaid terms.

7 Record and proceedings be sent back forthwith.

(ABHAY M. THIPSAY, J.)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment /Order.**