

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3128 OF 2014

Nizar Shamsuddin Kasam

... Petitioner

Vs.

Manik Shivram Patil and others

... Respondents

Mr. R. A. Thorat, Senior Advocate a/w. Mr. Amir Shaikh i/b. Mr. Sameer A. Vaidya for Petitioner.

Mr. R. D. Suryavanshi for Respondent No.3.

Mrs. N. V. Sanglikar for Respondent No.4.

Mrs. P. H. Kantharia, APP for Respondents-State.

**CORAM: RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 28th OCTOBER, 2015.

P.C.:

Heard learned Counsel appearing for the respective parties.

2. For the reasons to be recorded separately, Petition is partly allowed in terms of prayer clause (c). Respondent No.7 - Commissioner of Police, Thane City, Thane is directed to hold inquiry against respondent No.3-Vishwas Damu Walvi, the then Senior Police Inspector, Kalwa Police Station, Kalwa and respondent No.4-Ravikant Digambar Malekar in the light of the observations made in the order and take appropriate action against these officers in accordance with law. The Commissioner shall

himself hold this inquiry and shall not delegate the same to any of his subordinate officer.

3. Petitioner is granted liberty to apply to the trial Court for return of the property under Section 457 of the Cr.P.C. In case such application is filed within a period of two weeks from today, the trial Court shall dispose of the same as expeditiously as possible, and preferably within 4 weeks from the filing of the application. Ordered accordingly.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

Minal Parab