

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3428 OF 2015

Goldie Sud ... Petitioner
V/s.
The State of Maharashtra ... Respondent

Mr. Goldie Sud, Petitioner in person present.
Mr. D.P. Adsule, A.P.P. for the State.

CORAM : A. V. NIRGUDE, J.

DATE : 17th DECEMBER, 2015.

P.C. :

1. The petitioner is present in person on being asked whether he wants to press the Petition, he says he wants leave to amend the Petition. Leave refused.
2. The petitioner would be allowed to bring on record copies of the final orders passed in Criminal Revision Application No.347 of 2015 and Criminal Application No.840 of 2015. The petitioner is also allowed to bring on record the affidavit of Investigating Officer Ms. Archana Sutar dated 08.10.2015.
3. This Petition deserves to be dismissed in limini. This Petition seeks order directing police to handover possession of certain room to the petitioner.

4. The facts leading to this litigation are as under :-

On 06.02.2009 the police carried out a raid in room No.19-A situated on the first floor of Gazibo House, Hill Road Bandra (W), Mumbai. The Police registered offence punishable under Section 3, etc. of the Immoral Traffic (Prevention) Act (ITPA Act). The police even arrested some accused. The police sealed the room on the allegation that the same was being used as a brothel. The present petitioner was not a party to the criminal case. After the crime was registered, chargesheet was filed and the accused were convicted. Even their Appeal was dismissed. Thereafter, they came before this Court in Criminal Revision Application No.347 of 2015. This Court on 01.10.2015 acquitted the accused and set aside the entire order including the orders sealing the room. In Criminal Revision Application No.347 OF 2015, the present petitioner was a party. However, the Court did not pass any order in his favour. In my view, the fate of the applicant, as far as return of property / taking possession of room came to an end in the Criminal Court. If he was not given any order by this Court in Criminal Revision Application No.347 of 2015, no further orders can be passed by this Court on criminal side. The petitioner is free to take further steps for recovery of possession of room No.19-A in suitable forum.

5. The Petition is dismissed.

(A.V. NIRGUDE, J.)