

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO.:1528 OF 2015

Atul Vitthal Chavhan
VERSUS
The State of Maharashtra and another

...

Mr. Joydeep Chatterji, Advocate for Petitioner
Mr. S. P. Sonpawale, A.P.P. for Respondent No.1
Mr. V. D. Sapkal, Advocate for Respondent No.2

...

WITH

CRIMINAL WRIT PETITION NO.:1291 OF 2015

Prakash Babanrao Lalge
VERSUS
The State of Maharashtra and another

...

Mr. Santosh S. Jadhavar, Advocate for Petitioner
Mr. S. P. Sonpawale, A.P.P. for Respondent No.1
Mr. V. D. Sapkal, Advocate for Respondent No.2

...

AND

CRIMINAL WRIT PETITION NO.:1529 OF 2015

Ganesh Anant Unde
VERSUS
The State of Maharashtra and another

...

Mr. Joydeep Chatterji, Advocate for Petitioner
Mr. S. P. Sonpawale, A.P.P. for Respondent No.1
Mr. V. D. Sapkal, Advocate for Respondent No.2

...

CORAM : **A. V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 12th January, 2016.

P.C.:

. All these writ petitions are disposed of by the following order.

2 The Petitioners are Accused in Crime No.I-109 of 2015, registered at Kotwali Police Station, Ahmednagar. *Inter-alia* it was alleged that Petitioners / Accused pledged gold with the Complainant / Credit Society for taking loan. But during the transaction the Complainant was defrauded by adopting two dubious ways. The gold which was pledged was not pure gold and was not weighing as per the assertion of the pledger. During the investigation, the gold was separately weighed and valued. Reports are filed on record. It so happened that Petitioners / Accused subsequently cleared the loan dues and the gold is not required for pledge. Nonetheless, since the case is pending, the gold can be returned to the Petitioners on *Supratnama*. Only care that required to be taken is spelt out in following order.

3 Criminal writ petitions are allowed. The impugned order is set aside. The gold ornaments pledged by the Petitioners which are stored with the Complainant / Society shall be returned to them on

their executing *Supratnama* of the amount of market value of the gold. Before the gold could be handed over, the same should be weighed and valued separately. The report regarding value and weigh of the gold should be furnished to this Court. Copies of such report shall also be handed over to the Petitioners. Weighing of the gold and valuation shall be done in presence of the Petitioners or their representatives.

4 It is needless to add that gold ornaments so returned shall be preserved in the same form and shall be produced before the Court as and when required.

[INDIRA K. JAIN, J.]

[A. V. NIRGUDE, J.]

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