

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.40 OF 2012

Bharat Sambhaji Chavan		Petitioner
<i>Versus</i>		
The State of Maharashtra		Respondent

Mr. Umesh Mankapure for the Petitioner.

Mr. A.R. Patil, A.P.P., for the Respondent-State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 26TH FEBRUARY 2016.

P.C. :

1. Heard learned counsel for the Petitioner.

2. This Writ Petition is preferred challenging the order passed by the Additional Sessions Judge, Sangli, on 2nd November 2011 in Criminal Revision Application No.192 of 2011, thereby confirming the order passed by the learned Magistrate rejecting the Petitioner's application for return of certain property.

3. The main grievance raised was that the Bank Account and locker of the Petitioner was attached by Police during the course of investigation and now he requires release of the attachment of the Bank Account and the locker in order to operate the same. An attempt was also made that the Bank Account of the co-accused, namely, Prabhakar Kamble was

allowed to be released from the attachment by the Court and hence on the ground of parity, the Petitioner's Bank Account and the locker is also required to be released from the attachment.

4. However, the concurrent finding recorded in the order of the Trial Court and Revisional Court reflects that the Petitioner along with the co-accused are charged for the offence punishable under Section 420 r/w. 34 of IPC. There is misappropriation of the huge amount and hence in the course of investigation, the Bank account and the locker of the Petitioner is attached by the Police. It is also alleged that the Petitioner and the co-accused have instigated many persons to invest their money in the bogus company and hence the evidence relating to the Bank account of the Petitioner and the locker will be useful in the trial.

5. On perusal of the said order, I do not find any impropriety or illegality, much less, perversity in the said order so as to warrant interference therein. Moreover, the case is of the year 2010 and it follows that it must be either part-heard or at the stage of recording evidence. Hence, at this stage, no interference is warranted in the said order.

6. The Writ Petition is dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]