

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.74 OF 2016

Shri Rathina Sabapathi Nagarajan ... Applicant

Vs.

Central Bureau of Investigation
ACB, Mumbai & anr. ... Respondents

Mr.Vijay N. Shingnapurkar for the Applicant
Mr.M.S. Sawant for Resp.No.1
Ms.Pallavi Dabholkar, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **DECEMBER 7, 2016**

P.C.:

1. Not on Board. Upon mentioning, taken on Board.
2. This application is moved u/s 452 of Code of Criminal Procedure before this Court about the return of property seized in Special Case No.62 of 2009 which is concluded in acquittal of the applicant by judgment and order dated 22.8.2013 by the Special Judge, CBI, Greater Bombay. The application for return of the property was earlier moved before the Sessions Judge in the month of March, 2014 u/s 452 of the Cr.P.C. However, it was withdrawn only on the ground that the appeal was preferred by CBI challenging the said judgment and order. At the time of the judgment, it is necessary for the learned Sessions Judge to pass a

detailed order in respect of disposal of the property and how the property involved in this particular Sessions Case is to be disposed of; a case under the Prevention of Corruption Act is not an exception to that. However, this portion is missing in the operative order and, therefore, the applicant has rightly moved the application u/s 452 of the Cr.P.C. before the same Court. Hence, the learned Sessions Judge is directed to decide the application filed u/s 452 of the Cr.P.C.

3. In view of the above, Criminal application is disposed of .

(MRS.MRIDULA BHATKAR, J.)