

Anand

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

WRIT PETITION NO.1069 OF 2015

Sadashiv Rangnath Thorat .Petitioner

Vs.

The State of Maharashtra & anr. .Respondents

Mr.Abhaykumar Apte, Advocate, for the Petitioner
Mr.V.B.Konde-Deshmukh, APP, for the Respondent
No.1 – State
Mr.V.J.Bhanushali, Advocate, for the Respondent
No.2

CORAM : REVATI MOHITE DERE, J.

DATE : 23.08.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Petition, the Petitioner has
impugned the order dated 21.12.2012 passed by
the learned Additional Sessions Judge, Greater
Bombay to the extent of clause 3 of the said
order which reads thus:-

"3. The custody of Article-30 'U' shape be given to the informant Jitendra Thaleskar by taking photographs of the articles with weight and valuation through official valuer."

3. Learned counsel for the Petitioner states that he was a witness in the said case and that the learned Judge has erred in rejecting his evidence as he had turned hostile and has relied on the evidence of two other witnesses. He submits that the Gold bar i.e. Article 30 belonged to him and as such the learned Judge ought to have been returned the same to him.

4. The said Petition is opposed by the learned counsel for the Respondent No.2. Learned counsel for the Respondent No.2 states that the Respondent No.2 is the original Complainant, from whose jewellery shop Gold was robbed and melted, which is Article 30. He submitted that

the said Gold bar has rightly been returned to the original Complainant i.e. Respondent No.2. He submits that the Respondent No.2 has sold the said Gold bar and therefore the Petition does not survive.

5. Perused the papers, including the Judgment and Order dated 21.12.2012 passed by the learned Additional Sessions Judge, Greater Bombay. Admittedly, the Petitioner had turned hostile and as such, his evidence was rightly rejected by the learned Sessions Judge. The learned Judge has rightly handed over the custody of the 'Article 30' to the informant i.e. the Respondent No.2. No fault can be found in the said order and as such no interference is warranted in the same.

6. Accordingly, the Petition being devoid of merits is dismissed.

(REVATI MOHITE DERE, J.)