

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1970 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.B.G.Tangsali for the petitioner.

Smt. Anamika Malhotra, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 26th April, 2016

P.C.

By the present writ petition filed under Section 227 of the Constitution of India the petitioner has questioned the correctness of the order dated 13.3.2015 passed by the learned Judicial Magistrate First Class, 1st Court, Thane in CR No.I-154/2014 registered with Wagle Estate Police Station, Thane. By the impugned order dated 13.3.2015 the learned Trial Court while allowing the application for return of property i.e. vehicle namely Innova Car bearing registration No. MH-04/DE/7567 seized by the Wagle Estate Police Station in connection with the afore stated CR directed to return the same to the petitioner on furnishing indemnity bond of Rs.7.00 lacs with other related conditions.

2) The petitioner is the original complainant in the afore stated CR registered with Wagle Estate Police Station, Thane under Section 420, 465, 467, 468 and 406 of the Indian Penal Code.

During the course of investigation the police have seized the aforesaid vehicle and as of today the same is in the custody of police station. The petitioner filed the said application for return of the vehicle which was allowed with the aforesaid condition.

3) The learned counsel for the petitioner submitted that as a matter of fact when the petitioner purchased the said vehicle its value was Rs.7.00 lacs and as of today after taking into consideration the depreciation value, the said vehicle will not valued for more than 3.00 lacs rupees. The learned APP has produced before me a report submitted under the signature of the Senior Inspector of Police, Wagle Estate Police Station dated 25.4.2016 wherein the said fact has been reiterated. The police have stated that as of today the said vehicle fetches value approximately of Rs.3.00 lacs.

4) In view of the above, the order dated 13.3.2015 passed by the learned Trial Court is hereby modified and the interim custody of the said vehicle bearing No. MH-04-DE-7567 seized by the Wagle Estate Police Station in connection with CR No.I-154/2014 is hereby directed to be handed over to the petitioner on his furnishing indemnity bond of Rs.3.00 lacs. As the investigation in the said crime is completed, clause 3 of the said order dated 13.3.2015 is waived. Rest of the conditions imposed upon the applicant in the said order dated 13.3.2015 are not disturbed.

5) Petition is allowed in the aforesaid terms.

(A.S. GADKARI, J.)