

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

CRIMINAL WRIT PETITION NO.2806 OF 2016

Mrs. Madhavi Baburao Rane Petitioner

versus

The State of Maharashtra ... Respondents

**WITH
CRIMINAL WRIT PETITION NO.2807 OF 2016**

Mrs. Gunjan Girish Rumde Petitioner

versus

The State of Maharashtra ... Respondents

Mr.Sushil Upadhyay, Advocate i/b. Mr.A.M. Saraogi, Advocate for the Petitioner.

Mrs.Anamika Malhotra, APP for the State/Respondent.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 05th DECEMBER, 2016.**

P.C. :

1. These two writ petitions are filed u/s 451 of Cr.P.C. claiming that the two cars involved in the offence of dacoity, are to be returned to the respective applicants. The learned prosecutor submits that prosecution has no objection in returning the car i.e. Tata Nano car bearing No.MH-15-DC-5225, involved in Criminal

Writ Petition No.2807/16, to the applicant. The statement is accepted.

2. In view of the statement, Writ Petition No.2807/16 is allowed.

3. Rule is made absolute in terms of prayer clause (a), subject to undertaking given by the applicant that she shall produce certified copies of RCTC Books of the vehicles and shall not transfer it in the name of any other person or in the event of sale or transfer, she shall inform the sale or transfer to the Court.

4. In Writ Petition No.2806/16, the learned prosecutor submits that the Trial Court has rejected the application for return of property on the ground that the son of the applicant, who is the accused in the offence of dacoity, has sold stolen ornaments and out of such sale proceeds, he had purchased the Chevrolet Cruze No.MH-04-EQ-9090. According to learned counsel for the petitioner the car was purchased from the retirement and pension amount, which the husband of the applicant had received.

However, no such papers of such bank transaction are produced before the Trial Court or this Court. Therefore, I do not find any merit in this petition, hence it deserves to be dismissed. However, liberty is given to the petitioner that she may make another application u/s 451 of Cr.P.C. pending trial before the Trial Court, if she is in a position to present necessary bank documents showing transaction in respect of the said car.

5. Writ Petition No.2806/16 is accordingly dismissed.

(MRIDULA BHATKAR, J.)