

Anand

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

CRIMINAL APPLICATION NO.1018 OF 2016

M/s. Raghav Textile Corporation .Applicants
& M/s. Mohit Corporation & ors.

Vs.

The State of Maharashtra & anr. .Respondents

Mr.M. Harit i/b. M/s. Manoj Harit & Co.,
Advocate, for the Applicants
Mrs.P.P.Shinde, APP, for the Respondent No.1 –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.11.2016

P.C.

. At the outset, learned counsel for the Applicants seeks leave to amend. Leave granted. Amendment to be carried out forthwith. Learned APP has tendered a report. Same is taken on record.

2. By this Application, the Applicants have impugned the order dated 05.04.2016 passed by the learned Judicial Magistrate F. C., Court

No.1, Malegaon, Nasik, by which their Application for return of Rs.15,00,000/- came to be rejected as well as the order dated 21.06.2016 passed by the learned Ad-hoc Additional Sessions Judge-1, Malegaon, Nasik, who was pleased to dismiss the Revision Application filed against the said order.

3. Learned counsel for the Applicants states that the seized amount of Rs.15,00,000/- belongs to them. He submits that although the Applicants have supplied goods approximately worth Rs.75,000/-, what is seized by the police is Rs.15,00,000/-. He submits that out of the said amount of Rs.15,00,000/-, the Applicants have mutually agreed for distribution of the said amount in the ratio, as mentioned hereinunder ;

- a) Applicant No.1 - Rs.3,22,000/-
- b) Applicant No.2 - Rs.64,500/-
- c) Applicant No.3 - Rs.4,09,000/-

- d) Applicant No.4 - Rs.1,54,500/-
- e) Applicant No.5 - Rs.4,40,000/-
- f) Applicant No.6 - Rs.1,10,000/-

4. Learned APP states that the investigating officer has no objection, if the said amount of Rs.15,00,000/- is returned back to the Applicants according to the ratio mentioned in the Affidavit.

5. Perused the papers. It appears that Applicants had supplied grey cloth of approximately Rs.75,00,000/- to the Respondent No.2, on credit.

6. It appears that an amount of Rs.15,00,000/- in currency notes was recovered by the police officer from Delhi based traders who had purchased grey cloth from the Respondent No.2. The said amount was seized under a panchanama and is deposited by the investigating

officer in the Azad Nagar Police Station, in October, 2015. The investigating officer has no objection, if the said amount is returned to the Applicants in the ratio mentioned in the Affidavit.

7. Accordingly, the Application is allowed & disposed of. The impugned orders dated 05.04.2016 passed by the learned Judicial Magistrate F. C., Court No.1, Malegaon, Nasik and 21.06.2016 passed by the learned Ad-hoc Additional Sessions Judge-1, Malegaon, Nasik are quashed & set aside. The learned Magistrate to handover the said amounts mentioned in para 4 of the Affidavit, to the Applicants. Learned Magistrate shall handover the said amounts to the Applicants in the proportion stated hereinabove, on such conditions as the trial Court deems fit and proper. The said order to be implemented within one week, considering demonetization, as the said notes will be

worthless after a certain period.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)