

*Ladda*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1094 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 Harshad Palwe for the applicant.

Mr M.N. Sandhyanshiv for the respondent no.1.

Smt. G.P.Mulekar, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 13th June, 2016

P.C.

1. The applicant has questioned the correctness of the Judgment and Order passed by the learned Additional Sessions Judge below Exh.12 dated 28.1.2015 in Criminal Revision Application No. 65 of 2014 thereby partly allowing the application preferred by the applicant for return of the property. By the said Judgment and Order dated 28.1.2015, the learned Additional Sessions Judge, Malegaon has directed the Investigating Officer to return the property involved in the crime to the applicant on certain terms and conditions. A bare perusal of the said impugned order discloses that the said order was passed on the consent of parties therein.

2. The learned counsel for the applicant submitted that his client

is unable to comply with the conditions imposed upon the applicant and in particular of furnishing bank guarantee for the even amount mentioned therein.

3. As the impugned order was passed on the concession given by the applicant, I am not inclined to interfere with the said order. However, it is to be noted here that though the Revisional Court has directed to return the amount involved in the crime to the applicant pending the trial and the applicant is unable to comply with the conditions imposed, I am inclined to direct the Judicial Magistrate, First Class, Court No.1, Malegaon seized of the trial arising out of CR No. I-12/2014 registered with City Police Station, Malegaon, District Nashik under sections 384, 385 of the IPC to expedite the trial and to make an endeavour to conclude the same on or before 31.12.2016.

4. The application is disposed off in the aforesaid terms.

(A.S.GADKARI, J.)