

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1538 OF 2015
IN
CRIMINAL APPEAL NO. 816 OF 2014

Shilpa Sudhakar Tribhuvan and another.	...	Applicants.
In the matter between		
Subhash Shamrao Gaikwad	...	Appellant.
V/s.		
The State of Maharashtra.	...	Respondent.

Prashant D. Patil for the applicant.
Sachin H. Deokar for the appellant.
Dr.F.R.Shaikh, APP for the State.

CORAM : A.S. OKA AND C.V.BHADANG, JJ

DATED : 5th February 2016.

PC. :

As the regular Bench could not take up this application, as per the standing order passed by the Hon'ble the Acting Chief Justice, this application is placed before this Bench.

2. This is an application made in the pending appeal where the challenge by the accused is to the judgment and order of conviction and sentence. The appellant in the appeal has been convicted for the offence punishable under section 302 of the Indian Penal Code, 1860. The clause-4 of the operative part of the impugned judgment of the learned

Sessions Judge which is the subject matter of challenge in this criminal appeal, reads thus:

“4. The Muddemal seized i.e. Entire Cash amount seized by the investigating Officer, be returned to Shilpa and Shubham to the extent of ½ share each.”

The present applicants are the said Shilpa and Shubham. The learned counsel appearing for the appellant has no objection for allowing the applicants to withdraw the amount in terms of clause-4. The learned APP has left it to the Court.

3. Apart from the fact that the appellant in the appeal has no objection for grant of the relief as prayed, the appellant has not claimed the said amount which is the subject matter of clause-4 which is quoted above. There is nothing on record to show that any other party has challenged the clause-4 of the judgment and order by filing an appropriate proceeding.

4. Accordingly, we direct the learned Sessions Judge to pay the seized amount to the applicants in terms of clause-4 of the operative part of the impugned judgment and order dated 12th September 2014. The necessary action shall be taken within a period of one month from the date on which an authenticated copy of this order is produced before the concerned Court.

5. The application is disposed of.

(C.V. BHADANG, J)

(A.S.OKA, J)