

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.541 OF 2015

IN

CRIMINAL APPEAL NO.1220 OF 2013

Siyaram Puroshottam Yadav & Anr. ... **Applicants**
V/s.
The State of Maharashtra ... **Respondent**

.....

Mr.Vijay Shingnapurkar, Advocate for the Applicants in APPA/541/2015 and for the Respondents in APEAL/1220/2013.

Mr.S.V.Gavand, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 3rd APRIL 2017.

P.C. :

1 This is an application by applicant/original accused for release/return of the property seized in the year 1997 and 1999 in pursuant to the registration of the offence punishable under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988.

2 Heard the learned Advocate appearing for the applicant/original accused. He argued that both applicants came

to be acquitted of the alleged offence way back in the year 2013 and while acquitting them, the learned trial Court has directed release of seized property including the cash. He argued that appeal will take its own time for final hearing and, therefore, seized property which is mainly Kisan Vikas Patra and National Saving Certificate which are by now due and matured needs to be returned to the applicants/accused because of their acquittal.

3 The learned Additional Public Prosecutor opposed the application by contending that if ultimately the appeal is allowed, then the property is liable to be confiscated.

4 I have carefully considered the rival submissions. Both applicants/accused came to be acquitted of alleged offence on 01/06/2013 by the learned Additional Sessions Judge, Vasai and the learned trial Court directed vide clause (2) of the operative portion of the order to return seized property including the cash amount to applicants/accused. Though appeal is admitted for final hearing, it will take its own time for disposal. The operative portion of the order of acquittal goes to show that seized property mainly comprises of Kisan Vikas Patra and National Saving Certificate which get matured after a specified period. Non renewal thereof would cause loss of interest to applicants/accused. They are already held to be not guilty of alleged offence. In such situation, interest of justice would be served by directing release of

seized property in terms of clause (2) of the operative order dated 01/06/2013 passed by the learned Additional Sessions Judge, Vasai in Special Case No.201 of 2007 between the parties by obtaining some security from the applicants/accused. Therefore, the order :

- (i) Seized property as described in clause (2) of the operative order of the impugned Judgment and Order dated 01/06/2013 passed by the learned Additional Sessions Judge, Vasai in Special Case No.201 of 2007 be released in favour of applicants/accused on executing bond and on furnishing surety to the satisfaction of the Registrar (Judicial) of this Court.

(A.M.BADAR J.)