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

**CRIMINAL APPLICATION NO. 255 OF 2016**

Gohar Mohammed Khan @ Ghayour  
Mohammed Khan .. Applicant  
Vs.  
The State of Maharashtra & Anr. .. Respondents

Mr. Imran Shaikh for the Applicant.  
Mr. Arfan Sait, APP for the Respondent-State.

**CORAM : A. S. GADKARI, J.**  
**DATE : 10<sup>th</sup> AUGUST, 2017.**

**P. C. :**

1. This is an application for return/release of passport of the applicant, seized by the Investigating Agency i.e. Sahar Police Station in C.R. No. 99/2015.

The applicant is an accused in the aforesaid crime registered with Sahar Police Station under Sections 370(1)(3), 420 read with 34 of the Indian Penal Code. By an order dated 24.06.2015, the Trial Court was pleased to release the applicant on bail by imposing certain conditions. The applicant thereafter moved an application below Exhibit 3 for return of the property which is seized during the course of investigation of the crime. The Trial Court by its order dated 07.10.2015 partly allowed the application and directed the Investigating Agency to return the certain documents of the applicant, however, refused to accept the prayer of return of passport. In the said order the Trial Court has taken into consideration the fact that

the applicant is a frequent flyer and taking disadvantage of the said fact he has committed act of cheating upon three boys and one girl in connivance with other accused persons. After perusing the record, I am of the considered opinion that the order dated 07.10.2015 passed by the Trial Court does not warrant any interference and the prayer of the applicant cannot be entertained during the pendency of the trial.

2. Learned counsel for the petitioner invited my attention to the fact that the Investigating Agency has submitted final report before the Court of competent jurisdiction on 18.06.2015 and the case has already been committed to the Court of Sessions, however, till date charge is not framed. He fairly submitted that, the applicant has filed application for discharge and the same is subjudice and that is might be the reason for non framing of the charge by the Trial Court.

3. May that as it may, in view of the fact that the police have submitted charge-sheet on 18.06.2015 and the charge is yet not framed by the Trial Court, I hereby direct the Additional Sessions Judge to expedite the trial in the Sessions Case No. 541 of 2015 and make an endeavour to conclude the same on or before 31.05.2018.

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

**[A. S. GADKARI, J.]**