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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR**

CRIMINAL APPLICATION (APPA) NO. 647 OF 2015

UNION OF INDIA,
Through: Inspector, Railway
Protection Force, Central Railway,
Ajni, Nagpur. ..APPLICANT

VERSUS

Harischandra son of Sadashiv
Chikate, aged about 70 years,
Resident of Plot No. 6, Vasant
Nagar, Juna Babulkheda,
Nagpur, District : Nagpur. ..RESPONDENT

Mr N.P. Lambat, Advocate for applicant;
Mr Jumid Ahmed, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 22nd MARCH, 2017

ORAL ORDER :

After having heard Mr. Lambat, learned Counsel for the applicant and Mr. Jumid Ahmed, learned Counsel for the respondent-accused, in my opinion, the order dated 12th August, 2014 passed by learned Judicial Magistrate, First Class (Railway) Nagpur in Regular Criminal Case No. 44 of 2001 needs minor modification.

(2)

2. Admittedly, since against the said order of ordering release of the muddemal property, the accused has not taken out any proceedings, the said order has attained finality. The release of the property as is ordered in favour of the complainant was intended to be released in favour of Union of India and not in favour of the Officer from the Railway Protection Force.

3. In view thereof, in clause (3) of the operative part of the judgment and order dated 12th August, 2014 passed by learned Judicial Magistrate, First Class (Railway) Nagpur in Regular Criminal Case No. 44 of 2001, it be correctly read as "seized Muddemal be returned to the present applicant-appellant".

4. With above observations, the application stands disposed of.

(N.W. SAMBRE, J.)

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