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

**CRIMINAL APPLICATION NO. 23 OF 2016
IN
CRIMINAL APPEAL NO. 195 OF 2014**

Shri Sachin Bhiva Murudkar

..Applicant

Vs

The State of Maharashtra & Ors

..Respondents

Ms. Mrunmai Kulkarni i/b M.G. Shukla for applicant.

Mr. V.V. Gangurde APP for State.

Mr. H.S. Venegavkar, Respondent No.3-C.B.I.

CORAM : A.S.GADKARI, J.

DATE : 5th MARCH 2018.

P.C.:

1] This is an application for return of documents, more particularly specified in Exhibit Nos. (B), (C), (D) and (E) of the present application.

2] The learned Special Judge for CBI, Greater Mumbai in CBI Special Case No.100 of 2010 by its Judgment and Order dated 22nd January 2014 was pleased to convict the applicant/original accused No.1 under Sections 13(1)(e) read with 13(2) of the Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for one year and to a fine of Rs.1,50,000/-, in default of payment of fine to further suffer

rigorous imprisonment for six months. The original accused No.2 Smt. Varsha Murudkar, the wife of the applicant has been acquitted by the Special Court by the said Judgment and Order.

3] The learned Counsel for the applicant submitted that, the Fixed Deposit Receipts mentioned in Exhibit (D) (page-81) and Exhibit (E) (page-83) of the application have already been matured and the same are necessary to be renewed. She submitted that, the CKP Co-Bank has gone into liquidation and unless and until the said F.D.Rs. are submitted with the Competent Authority of the said Bank, either for its liquidation or renewal the applicant and or the Investigating Agency will not be in a position to get benefit of the amount.

Mr. Venegavkar, the learned Counsel for the C.B.I. family submitted that, as far as Exhibit (B) (pages-78-79) and Exhibit (C) (page-80) of the application are concerned, the Investigating Agency has no serious opposition in releasing the said documents, as the ownership of the said documents is with original accused No.2 Smt. Varsha Murudkar. He submitted that the Investigating Agency has objection for releasing the documents mentioned in Clause Nos.I, II, III and V of Exhibit (D)(pages-81-82) of the application. That the Investigating Agency is also having

objection for releasing and/or de-freezing the documents/Bank accounts mentioned in Exhibit (E) (page-83) of the application.

4] After taking into consideration the rival submissions, this Court is of the view that, the documents mentioned in Exhibits (B) and (C) deserve to be released by the Investigating Agency, as those documents are basically owned by accused No.2 Smt. Varsha Murudkar.

5] After taking into consideration the objection raised by the Investigating Agency, this Court is of the view that the documents mentioned in Exhibit (D) and (E) cannot be released at this stage and during the pendency of the appeal. However, the applicant is permitted to renew the Fixed Deposit Receipts mentioned in Exhibits (D) and (E) with the concerned Bank. The applicant is therefore directed to submit photocopy of the said F.D. Receipts at the time of taking of its possession from the Investigating Agency/Special Court and after renewal of the same, again submit it with the Investigating Agency, during the pendency of the present appeal.

Hence, the following Order:

(i) The respondent-CBI is directed to release the documents mentioned in Exhibits (B) and (C) i.e. page Nos.78,79 and 80 of the

application within a period of three weeks from the date of receipt of this Order.

(ii) The respondent-CBI is directed to de-freeze the accounts mentioned in said Exhibits i.e. (B) and (C) within the same period.

(iii) The Applicant is permitted to renew the Fixed Deposit Receipts mentioned Exhibits (D) and (E). Before taking possession of the said Fixed Deposit Receipts mentioned in Exhibits (D) and (E), applicant is directed to furnish photocopies of the same to the Investigating Agency and after its renewal, submit the original Fixed Deposit Receipts with the Investigating Agency during the pendency of the present appeal.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)