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

**WRIT PETITION NO. 821 OF 2016**

Sajid Shaikh Moihd. Chand

**..Petitioner**

**Vs**

The State of Maharashtra & Anr

**..Respondents**

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Mr. Vikram Sutaria for petitioner.

Mr. A.R. Patil, APP for State.

Mr. Dinkar Mohite, P.I., ATS, Mumbai present.

**CORAM : A.S.GADKARI, J.**

**DATE : 1<sup>st</sup> October 2018.**

**P.C.:**

1] By the present petition under Article 227 of the Constitution of India, the petitioner has prayed that his premises namely Flat No.25/b, situated at 3<sup>rd</sup> floor, 16 New Kantawadi Road, Bandra, Mumbai-400050 (suit premises) be unsealed.

2] Heard the learned counsel appearing for the petitioner and the learned APP for the state. Perused the record.

3] The petitioner was witness in M.C.O.C. Special Case No.21 of 2006. It was allegation of the prosecution that, one of the accused in the said case had obtained the suit premises on leave and licence basis from the

petitioner and was staying there prior to commission of offence. The said premises was sealed by the police during the course of investigation. The record indicates that, the trial of the said crime i.e M.C.O.C. Special Case No.21 of 2006 has come to an end and after recording evidence, the said accused has been convicted by the Trial Court.

The learned APP on instructions from the Investigating Officer submitted that, the Investigating Agency does not have any objection for unsealing the said premises and handing over the possession of the same to the petitioner. He on instructions further submitted that, the Investigating Agency will hand over possession of the said premises to the petitioner within a period of two weeks from today. The said statement is accepted.

4] Petition is accordingly allowed in terms of prayer clause (a).

All the concerned to act on an authenticated copy of this Order.

Anil  
Chandrakant  
Dond

Digitally signed  
by Anil  
Chandrakant  
Dond  
Date:  
2018.10.05  
14:57:45 +0530

**(A.S.GADKARI, J.)**