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

WRIT PETITION NO. 941 OF 2018

Radheshyam Jethamal Prajapati

..Petitioner

Vs

The State of Maharashtra & Anr.

..Respondents

Mr. Abdul Hafeez I/b Khan Wahab for Petitioner.

Ms. Veera Shinde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 28th August 2018.

P.C.:

1] By the present petition, the petitioner has challegned the imposition of condition No.3 by the learned Additional Sessions Judge, Greater Mumbai in Criminal Revision Application No.677 of 2017 by its Order dated 10.10.2017. The said condition No.3 reads as under:

“Gold ornaments weighing 331.610 grams worth Rs.7,00,299/- seized in CR No.206 of 2016 be handed over to the applicant Radheshyam Jethamal Prajapati on executing PR bond of Rs.7.00 lakhs and furnishing Bank Guarantee of like amount on the conditions that:-

(i) The applicant shall not change the nature and appearance of the ornaments.

(ii) The applicant shall produce the ornaments as and when

required by the Court.

(iii) The Investigating Officer shall hand over the gold ornaments to the applicant after preparing detailed proper panchanama of the ornaments; taking photographs of the ornaments and after taking bond of Rs.7.00 lakhs and the bank guarantee of Rs.7.00 lakhs from the applicant.”

2] The petitioner is an accused in CR No.206 of 2016 registered with Lokmanya Tilak Marg Police Station, Mumbai under sections 406 and 420 of the Indian Penal Code. Criminal Application bearing No.8/MISC/2017 preferred by the petitioner before the learned Additional Chief Metropolitan Magistrate for return of property was rejected. The petitioner thereafter preferred the Revision Application bearing No.677 of 2017 against the said Order and the learned Additional Sessions Judge, Greater Mumbai by its Order dated 10.10.2017 allowed the said Revision by imposing aforestated condition No.3.

3] After perusing the entire record, this Court is of the view that, the applicant being an accused in the said case is seeking return of property and therefore the said condition imposed upon the applicant is just and fair condition. No interference by this Court is warranted in it.

Application is accordingly rejected.

Anil
Chandrakant
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Anil Chandrakant
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(A.S.GADKARI, J.)