

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.606 OF 2016

IN

CRIMINAL APPEAL NO.1026 OF 2015

Jerit John Gregory ... **Applicant**

V/s.

The State of Maharashtra ... Respondent

• • • • •

Mr.Amin H. Solkar, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

• • • •

CORAM : A.M.BADAR J.

DATED : 28th FEBRUARY 2018.

P.C. :

1 This is an application for return of properties.

2 Heard the learned Advocate for the applicant/
appellant/accused. He submits that the learned trial Court vide
Judgment and Order dated 09/10/2015 passed in Sessions Case
No.242 of 2013 had directed return of properties at Sr.Nos.10,12
and 14 in the operative portion of the Order to the applicant/
appellant/accused after period of the appeal is over. He submits

that those articles are not in any way concerned in the crime in question and they are belonging to the applicant/appellant/accused and, therefore, he is entitled for the same.

3 The learned APP opposed the application by contending that the Motorcar which is at Sr.No.14 in the operative portion of the Order had already been returned to the applicant.

4 I have carefully considered the rival submissions and also perused the impugned Judgment and Order of conviction and resultant sentence. On trial, it is held by the learned trial Court that the present applicant/appellant/accused had thrown acid on the person of the P.W.No.5 victim on 07/11/2012 by committing trespass on preparation of causing hurt to her and had confined her wrongfully along with her friend by bolting the outer door of the house.

5 The property which is sought to be released is comprising of papers in the name of the applicant/accused and his family members in the plastic cover seized from the bag of the accused, valuable articles like blackberry Mobile phone, white coloured blackberry Mobile Phone, I-pad with charger, Apple iPhone, silver coloured Apple laptop with charger apart from the seized car.

6 The record does not reveal that in all these articles which are claimed back were used in commission of crime. However, the learned APP has stated that the Car has already been returned back to the present applicant/accused.

7 In this view of the matter, the following Order :

- (i) The articles comprising in Clause Nos.10 and 12 of the operative portion of the impugned Judgment and Order dated 09/10/2015 passed in Sessions Case No.242 of 2013 be returned back to the applicant/appellant/accused.
- (ii) The applicant/appellant/accused is directed to produce those articles if required by this Court for disposal of the appeal.
- (iii) The application is disposed of accordingly.

(A.M.BADAR J.)