

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

CRIMINAL WRIT PETITION NO.1856 OF 2017

Minal Rajendra Gosavi

... Petitioner

Vs

Sr.Police Inspector & anr.

... Respondents

Mr.Prashant Darandale for the Petitioner

Mr.A.R. Patil, APP, for the Respondent – State

Mr.R.A. Sanap, PSI, Kagal police station – present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 7, 2019

P.C.:

1. Though this Court had directed the Investigating Officer to remain present today, one Mr.R.A. Sanap, PSI, Kagal police station is present in the Court today and submitted he is fully aware of the facts. I had specifically directed the Investigating Officer to remain present because it is a very serious offence and the police are prosecuted for the offence of dacoity.

2. The complainant claims a money of Rs.12,40,000/- which has been recovered from the police, who are the accused before the Court in C.R. No.153 of 2016. The learned Prosecutor

submits that the prosecution has no objection to return this money to the complainant.

3. Hence, by accepting this statement of the learned Prosecutor to consider the nature of the offence and the manner in which the offence has occurred, prima facie, I am of the view that the complainant has claim over the seized amount. Also, nobody has come forward till today to claim the said amount. Hence, the order of the learned Sessions Judge dated 21.12.2016 below Exhibit 15 in Sessions Case No.141 of 2016 is hereby the set aside and the amount of Rs.12,40,000/- is directed to be returned to the complainant upon furnishing a personal undertaking / bond.

4. Writ Petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)