

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

CRIMINAL WRIT PETITION NO.2891 OF 2018

Dena Bank

... Petitioner

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.Atul Damle, Senior Advocate with Nilesh Bamne I/b A.R.
Bamne & Co. for the Petitioner
Mr.A.R. Patil, APP, for the Respondent – State
Ms.Ameeta Kuttikrishnan for resp. No.2

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 8, 2019

P.C.:

1. The petition involves a short point. Hence, Rule, made returnable forthwith by consent of the parties and heard finally.
2. The order dated 18.4.2018 passed by Special Judge, Central Bureau of Investigation, Greater Bombay below Miscellaneous Application No.397 of 2018 in R.C. No.10/E/2017 thereby rejecting the application of return of property i.e., the documents seized in the said case by Central Bureau of Investigation is under challenge. The petitioner is a bank, who wants to initiate the proceedings in respect of a flat which is mortgaged with the bank.

They want to auction the said flat in order to satisfy the debt taken by the mortgagee against the said flat.

3. The learned Counsel for Central Bureau of Investigation has submitted that the investigation is going on and therefore, the Central Bureau of Investigation cannot part with the documents.

4. In view of the submissions and considering the prayers and the issue involved therein, the following order is passed:

i) Both the Central Bureau of Investigation and the Bank are directed to take a clear photocopy of the said mortgage documents, which are seized by the Central Bureau of Investigation. Those documents are to be certified from the Central Bureau of Investigation and a set each of those certified copies of the documents are to be preserved by the CBI and the Bank and also another set is to be kept in the record of the said Court and the original documents are to be kept in the custody of the bank, so that the documents can be produced at the time of the trial.

ii) The trial Court shall preserve those certified copies of the photocopies for the trial.

5. With the above order, the Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)