

CRIMINAL APPLICATION NO. 326 OF 2020

Advocate for Applicant : Mr. Mahesh S. Deshmukh
APP for Respondent - State : Mr. G. O. Wattamwar

DATE : 3rd FEBRUARY, 2021

PER COURT :-

Heard learned counsel for the applicant.

2. The applicant was accused in Sessions No. 67 of 2015. He came to be acquitted. In the operative order of the judgment it was directed by the trial Court to return the property like three bank passbooks, seven ATM -cum- Debit cards etc, to the accused, after appeal period is over. Learned counsel for applicant on instructions submitted that no appeal is preferred. He submits that his account is freezed by the Police during the investigation, but there is no specific order made by the trial Court in respect of freezing of said account. Due to that, he is not in a position to operate that account. As account was freezed during investigation, that became muddemal property and so it was duty of the trial Court to see that some order is made with regard to disposal of each and every property, which was seized during the investigation. Section 452 of the Code of Criminal Procedure provides that on conclusion of the trial such order needs to be passed by the trial Court. If due to oversight such order

is not made, such order needs to be made by the trial Court in view of Chapter XXXIV of the Code of Criminal Procedure. The applicant needs to approach the trial Court in this regard.

3. In view of these circumstances, this Court holds that nothing more can be done. If the application in that regard is made by the applicant within (15) days from that day, the trial Court is expected to make an order on such application.

4. With aforesaid observation, present proceeding stands disposed of.

[M. G. SEWLIKAR]
JUDGE

[T. V. NALAWADE]
JUDGE

MTK