

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.489 OF 2021
IN CRIMINAL APPEAL NO. 528 OF 2015**

**SANGEETA SITARAM NIRMAL @ CHADAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Shri Ashok R. Tapse
APP for Respondent No.1 - State : Shri K. S. Patil
...

**CORAM : RAVINDRA V. GHUGE AND
B. U. DEBADWAR, JJ.**

DATE : 08TH MARCH, 2021

PER COURT :

1. By this application, the applicant, who is the widow of the deceased victim, prays for releasing and handing over a motorcycle bearing registration No. MH-44-J-7019, Hero MotoCorp Ltd., CD-Delux, black colour, petrol. By acquiring an heirship certificate, the ownership of the said motorcycle is now transferred in the name of the applicant.

2. It calls for no debate that the present application can be entertained under Section 454 of the Code of Criminal Procedure, 1973. This Court can exercise jurisdiction if the applicant is aggrieved by the order passed by the trial Court under Section 452 or 453 of Cr.P.C. It is undisputed that the applicant has not made an application before the trial Court, which can be decided under

Section 452 of Cr.P.C.

3. In view of the above, this application is disposed off with liberty to the applicant to approach the trial Court in Sessions Case No.20 of 2014 decided on 10-07-2015, for seeking custody of the said motorcycle. We make it clear that we have not expressed any opinion on the merits of the said request and the trial Court would consider the same in the light of Section 452 of the Cr.P.C. expeditiously and preferable within three months from the date of the filing of the application.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)