

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 317 / 2020

Vilaschandra Rajaram Joshi .. **Appellant**

Versus.

The State of Maharashtra and Anr. .. **Respondents**

Mr. Akshay ankapur, Advocate for the Appellant.

Ms. Ameeta Kuttikrishnan, Advocate for Respondent
no.2.

Smt. S.V. Sonawane, APP for State.

CORAM : SANDEEP K. SHINDE J.

DATE : 23rd NOVEMBER, 2021.

P.C. : -

Heard. learned Counsel for the Appellant;
learned Counsel for the Respondent No.2 and learned
Prosecutor for State.

1. This appeal under Section 454 of the Code of
Criminal Procedure, 1973 (Cr.P.C. for short),
assails the order dated 15th March, 2019 passed in

Criminal Miscellaneous Application No. 48/2005, by which, learned Additional Sessions Judge, Nashik declined to return the passport to the Appellant, which was seized, pending Special Case No. 3/2005. Appellant has been acquitted on 31st December, 2018 in Special Case No.3/2005. Whereafter, he moved an application under Section 452 of the Cr.P.C. seeking return of passport. The learned Sessions Court declined to return the passport, only on the ground that against the order of acquittal, Prosecution was likely to file an appeal. Aggrieved by this order, the instant appeal is preferred.

2. It may be stated that pending trial, the Appellant-Accused was permitted to go abroad to meet his son. He had not misused the liberty, but surrendered the passport to the Prosecution, after returned to India.

3. Learned Prosecutor on instructions submits that

although the appeal from acquittal has been filed, till date the appeal is not been admitted.

4. In consideration of the facts of the case, I do not see any propriety to retain the passport with the trial Court. In fact acquittal of Appellant re-enforces presumption of his 'innocence'. For the reasons stated; appeal is allowed. Thus, the following order;

O R D E R

(i) Superintendent, Nashik District and Sessions Court, is directed to return the passport to the Appellant within a week from the date on which, the order is brought to his notice.

5. Appeal is allowed and disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)

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