

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION 589 OF 2021

(Shri Balkrishna s/o. Mohanlal Gandhi..vs.. State, thr PSO, PS Dhantoli, Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. P.K. Bezalwar, counsel for petitioner.
Mr. N.S. Rao, APP for respondent/State.

CORAM: ROHIT B. DEO, J.

DATE: 14.09.2021.

The challenge is to an order of rejection of an application preferred under section 457 of the Code of Criminal Procedure, 1973 ("Code").

2. The learned counsel Mr. P.K. Bezalwar submits, that the petitioner did not and / or could not place on record before the learned Sessions Judge, the material which would have shown that the vehicle in question is not purchased from the proceeds of the alleged crime, but is, as a fact, financed by HDFC Bank.

3. Without making any observation on the merits of the said contention, I find it appropriate to permit the petitioner to approach the learned Sessions Judge afresh for a release order, and to place on record such material as is

relevant.

4. The Petition is disposed of with liberty to the petitioner to apply to the learned Sessions Judge afresh under section 457 of the Code. It is made clear that if an application is made, the same shall be decided on its own merit, uninfluenced either by the earlier rejection or by any observation herein.

5. The Petition is disposed of.

6. If an application is made within the next 72 hours, the learned Sessions Judge is requested to decide the same expeditiously and preferably within the next two weeks.

Judge

Belkhede