

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

956 CRIMINAL REVISION APPLICATION NO.66 OF 2021

SHRIRAM BABURAO BIRHARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Shri Anandsingh Bayas
APP for Respondent : Shri V.S.Badakh
...

CORAM : M.G.SEWLIKAR, J.

DATE: 31st March, 2022

PER COURT:-

1. Heard Shri Bayas, learned counsel for the applicant and Shri Badakh, learned APP for the respondent-State.
2. Charge-sheet has been filed against the applicant under Section 7 of the Prevention of Corruption Act. The allegations are that the applicant has amassed wealth disproportionate to his known source of income. Pursuant to that, cash of Rs.7,42,400/- has also been seized from the house of the applicant.
3. Applicant had filed application before the learned Special Court for releasing this amount of Rs.7,42,400/-. The Investigating Officer objected to release of this amount. The learned Special Court rejected the application as investigation was at the initial stage. Therefore, the learned Special Judge did

not deem it appropriate to release the amount. The application was, therefore, rejected.

4. Applicant has challenged the order of rejection of the aforesaid application in this revision.

5. Shri Bayas, learned counsel for the applicant submits that this amount was kept by mother-in-law of the applicant for safe-keeping. It was withdrawn in the month of October, 2020. This amount does not belong to the applicant. He, therefore, seeks release of the said amount.

6. Reply of the Investigating Officer was called. The Investigating Officer states in the reply that such amount cannot be released. He further states that if this Court comes to the conclusion of releasing the amount in that case it may be released on taking security and by drawing Panchanama in the presence of Investigating Officer and Panchas and under Video Shooting.

7. Shri Badakh, learned APP for the respondent, on making a query by this Court, submits that Panchanama does not mention the number of the Notes. This amount can be released by putting some conditions on the applicant.

8. Admittedly, number of the notes are not recorded in the Panchanama. No purpose will be served in keeping the amount with the Police.

9. In view of this, following order is passed:-

ORDER

- (i) Criminal Revision Application is allowed.
- (ii) The impugned order dated 29th September, 2020 passed by the learned Additional Sessions Judge, Aurangabad in Criminal M.A.No.133 of 2020 is quashed and set aside.
- (iii) Amount of Rs.7,42,400/- be paid to the applicant on condition of giving bank guarantee of the same amount and the amount be released by the Investigating Officer by drawing Panchanama under Video Shooting in the presence of two Panchas.
- (iv) Criminal Revision Application is disposed of.

**(M.G.SEWLIKAR)
JUDGE**