

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

CRIMINAL APPLICATION NO.2457 OF 2021 IN APPEAL/462/2011

**KEDARNATH RAMANAJI BUDHWANT AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA**

....  
Mr. Kishor G. Patil, Advocate h/f Mr. S.S. Wagh, Advocate for  
the Applicants  
Mr. R.D. Sanap, APP for Respondent/State  
....

**CORAM : SHRIKANT D. KULKARNI, J.**

**DATE : 22 AUGUST, 2022**

**PER COURT:-**

. The applicants/original accused seeks directions to the respondent/State to return the cash amount of Rs.4,950/- and fixed deposit receipts as mentioned in para 3 of this application.

2. Heard Mr. K.G. Patil holding for Mr. S.S. Wagh, learned counsel for the applicants and Mr. Sanap, learned APP for the respondent/State.

3 Mr. Sanap, learned APP for the respondent/State pointed out that similar application was made by the applicants vide criminal application No.3288 of 2019, and this court was pleased to pass the order on 31.01.2021 that

the application shall be heard along with the appeal as per its turn. He, therefore, urged to dismiss the application as it is not maintainable.

4. On the other hand, Mr. K.G. Patil holding for Mr. S.S. Wagh, learned counsel for the applicants submitted that since the appeal is not taken up for final hearing, the applicants constrain to move this application. Be that as it may, the order passed by this Court dated 31.01.2021 nowhere indicates that leave is granted to the applicants to file fresh application, if the appeal is not taken up for final hearing in the near future. As such, fresh prayer cannot be considered in view of specific order passed by this Court.

5. The criminal application is dismissed.

**[ SHRIKANT D. KULKARNI ]**  
**JUDGE**

S.P. Rane