

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

927 CRIMINAL WRIT PETITION NO.1446 OF 2018

**SANDIP S/O. MARUTI GOJAMGUNDE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. B. R. Kedar, Advocate for the petitioner
Mrs. D. S. Jape, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 02nd DECEMBER, 2022

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1. This criminal writ petition is filed by the petitioner who is purchaser of a plot from the wife of one accused person in Crime No.427/2016 registered at Shivaji Nagar Police Station, Latur on 12-12-2016 for the offences punishable under Sections 420, 406, 409, 109 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999.

2. It is the case of the petitioner that he has purchased the plot from one Anita Puri on 17-12-2016 for an amount of

Rs.2,77,000/-/. This plot was purchased after proper verifying the titles etc. It was verified that lady is exclusive owner of the property. However, said property is seized by the authorities in connection with the offence stated above. He submits that there is nothing on record to show that this property is purchased from out of the amount earned by the husband of the vendor from any illegal activities. There is nothing on record to show that property is purchased out of money that was collected from the depositors etc. Thus, his submission is that seizure of the property itself is illegal and deserves to be released. He filed an Cri.M. A.No. 37/2018 in the court of Sessions Judge, Latur. However, same came to be rejected by the learned Additional Sessions Judge, Latur by order dated 19-07-2018 observing that object of MPID is to secure the interest of depositors. It is observed that there is a doubt as to whether the applicant has in fact paid consideration amount to Anita Puri and executed sale deed on 17-12-2016 i.e. immediately after arrest of husband of vendor Anita Puri. He further submits that these observations are not correct. Learned advocate for the petitioner considering

the provision of Sub-section (ii) of Section 4 submits that there is nothing on record to show that compliance of clause-2 subsection 1 of subsection 4 of the MPID Act is done. He further submits that only the property of person mentioned in the words can be attached. The present petitioner as well as vendor cannot be said to be a person falling under this category and therefore, for this reason also this property could not have been seized.

3. Heard the learned APP. She submits that three dates are material to create doubt and strong suspicion to believe that this property purchased to deprived the authorities i.e. 12-12-2016 husband of the vendor came to be arrested namely Gautam Puri, when the documents were seized on 15 or 16 December. This sale deed was found in the house search. This sale deed found and secondly immediately on 17-12-2016 sale deed is shown to have been registered. This is sufficient to create suspicion that sale deed either is bogus and is only as eye wash. She further pointed out that as per the allegations and the investigation papers the husband of the vendor was working in

B.N. Gold Real Estate since 01-01-2010 till 15-12-2015 and this lady vendor had no income of her own and thus, she has purchased out of her income of the husband. Therefore, there is sufficient ground to not to release the property and further submits that learned Additional Sessions Judge has rightly passed the order and prays for rejection.

4. Considering the above submission it appears that the property was purchased by this petitioner immediately after 4-5 days arrest of the husband of the vendor. Sale deed does not show sufficient averments to show that lady had sold the property by taking money. About the payment only recital is that the money is already paid. Looking at the sale deed i.e. executed in favour of the vendor by one Sunita dated 07-05-2014 also there are no sufficient recital as to how she has raised funds for purchasing of that plot. Therefore, submission is that the vendor must have taken amount from her father does not carry any weight. At least there is a reason for authorities to come to a conclusion that this property is purchased out of an amount

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collected by husband of the vendor. Thus the trial court has not committed any illegality while passing order dated 19-07-2018 and this court does not find any merit in the petition and thus the criminal writ petition stands dismissed.

5. Needless to say that these observations are made only for the purpose of deciding this criminal writ petition and trial court shall not be influenced by the same.

[KISHORE C. SANT, J.]

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