

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.4659 OF 2021

Tukaram Haribhau Unde ... Petitioner
V/s.
The State of Maharashtra ... Respondent

Mr. Arya Sapre i/by Ms. Yashasvita Apte for the petitioner.

Ms. G.P. Mulekar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 19, 2022

PC.:

1. By the impugned order, the application for return of property (mobile phones) has been rejected by the trial Court and confirmed by the revisional Court. The revisional Court, while rejecting the revision, has recorded a finding that the investigation in the matter is in progress and two seized mobiles are prime evidence collected by the investigating agency, which, according to the prosecution, has been used for accomplishing the offence by the accused and other co-accused. The reasons assigned by the Courts below for rejecting the application are in accordance with law.

2. There is no error of jurisdiction in rejecting the application. However, it will be open for the petitioner to apply for return of

property after the charge-sheet is filed. Such application shall be decided by the learned Magistrate on its own merits in accordance with law.

3. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)