

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2535 OF 2022****IN****CRIMINAL APPEAL NO. 183 OF 2018**

Sunil Ramesh Chainani

... Applicant

In the matter between :-

Parvez Wahid Khan

... Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. R. V. Gupta, for Applicant.

Mr. S. S. Hulke, A.P.P. for Respondent-State.

PSI Mr. Dilip Sawant, Bandra Police Station.

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.****DATE : 17th October 2022.****PC. :**

1. This is an application for intervention in Criminal Appeal No. 183 of 2018 and for return of Muddemal Property seized during investigation, during the pendency of present Appeal.

2. Record indicates that, Appellant is husband of deceased Aarti @ Nalini Sunil Chainani. That by an Order dated 28th June 2013, the learned Metropolitan Magistrate, 12th Court, Bandra, Mumbai was pleased to handover interim custody of the articles in favour of Applicant during the

pendency of the trial. That by the impugned Judgment and Order dated 22nd January 2018 the Original Accused Nos.1 & 2 have been convicted by the learned Additional Sessions Judge, Greater Mumbai and are sentenced to suffer for life imprisonment. The details of description of the property which the Applicant intends to have as interim custody during pendency of the Appeal has been given in para No.3(i) (page 6 of Application).

3. Learned A.P.P., on instructions, submitted that, the prosecuting Agency has no objection if the articles mentioned in para No.7 of Operative Part of impugned Judgment and Order, which has been reproduced by the Appellant in para No.3(i) of Application is given to the Applicant during the pendency of Appeal.

4. In view thereof, the articles mentioned in Operative Part of para No.7 of impugned Judgment and Order dated 22nd January 2018, which is *para materia* with para No.3(i) of present Application be given in the custody of Applicant during the *pendency* of present Appeal, subject to Applicant executing the indemnity bond of Rs.50,000/- before this Court.

5. Application is allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]