

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

**CRIMINAL APPLICATION NO. 4 OF 2022**

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|--------------------------|----------------|
| Raghupathy Mahadevan     | ...Applicant   |
| Versus                   |                |
| The State Of Maharashtra | ...Respondents |

....

Mr. Aditya Sharma, Advocate for the Applicant.

Mr. Harsh Dedhia h/f Mr. Hiten Venegavkar, Spl. PP for Respondent-  
CBI.

Mr. Arfan Sait, APP for the Respondent – State.

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| <b>CORAM</b> | <b>:</b> | <b>PRAKASH D. NAIK, J.</b>              |
| <b>DATE</b>  | <b>:</b> | <b>19<sup>th</sup> SEPTEMBER, 2022.</b> |

**PER COURT:**

1. The Applicant has challenged the order dated 23<sup>rd</sup> October, 2021 passed by the Special Court for CBI in Miscellaneous Application No.990 of 2021.

2. Based on the complaint filed by the Union Bank of India, the Investigating Agency was registered the complaint against the Accused. The Applicant is the director of Bombay Diamond company which is alleged to be one of the Associate company of the Accused company. Based on Search and seizure conducted by the investigating agency at the residence of the complaint, few documents along with articles were seized. The investigating agency has taken the said documents in custody. The Applicant filed an Application for return of the seized property before the

Court. Application was partly allowed and the Court was pleased to direct the investigating agency to release the locker key bearing No.1438/55 which is mentioned at Serial No.16 in the search list. As well as the Jewellery items kept in the locker No.150 The Applicant made a request for providing the documents seized by the investigating agency. Thereafter Miscellaneous Application was preferred before trial Court for custody of the documents. The said application rejected. The following documents are in the custody of the investigating agency.

- a) One file containing Agreement to sell dated 2<sup>nd</sup> November, 2018 (original) in respect of E/303, Exotica, Casa Rio Gold, Dombivli (east).
- b) Original agreement for sale dated 26<sup>th</sup> July, 2018 between Krishna Buildcon Corporation, Thane West and R. Mahadevan, Dombivili (east) in respect of structure No.11, Phase 1, Hamara Ghar at Shendrun Shahpur, Thane.
- c) Original Agreement for sale dated 26<sup>th</sup> June, 2012 between Krishan Buildcon Corporation, Thane West and R. Mahadevan, Dombivili (east) & Geeta Mahadevan, Dombivli (east) in respect of structure No.110.10, phase 1, hamara Ghar at Shendrun BU Shahpur, Thane.
- d) Original Agreement for sale dated 26<sup>th</sup> June, 2012

between Krishan Buildcon Corporation, Thane West and R. Mahadevan, Dombivili (east) & Geeta Mahadevan, Dombivili (east) in respect of structure No.09, phase 1, hamara Ghar at Shendrun BU Shahpur, Thane.

3. Learned Advocate for Respondent-CBI on instructions submits that, the CBI has no objection for handing over the documents mentioned herein above to on applicant condition that, the Applicant shall produce the color xerox copy of said documents to the investigating agency immediately and undertake to produce the original copies of the said document as and when required before the trial Court. The applicant shall not sell the properties relating to said documents.

4. Learned counsel for the Applicant submitted that, the property relating to the document at Sr. No.6, 11, 12, 13 are not in possession of the Applicant.

5. Considering the submissions of both sides, I pass the following Order:-

#### **ORDER**

- i. The documents refer to herein above shall be handed over to the Applicant.
- ii. The Applicant shall furnish the coloured photo copy of the documents to the investigating

agency and also produce the same before the trial Court.

iii. The Applicant shall file an undertaking before the trial Court that as and when the documents are required by the trial Court the said documents will be produced by the Applicant before the trial Court.

iv. Application stand disposed off accordingly.

**(PRAKASH D. NAIK, J.)**