

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (APL) No. 1227 of 2022

Nitesh S/o Premchand Menghani

Versus

State of Maharashtra, through Police Station Shantinagar, Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vaibhav K. Nankani, Advocate for the applicant.
Ms. Shamsi Haider, APP for the State / Non-applicant

**CORAM : ANIL S. KILOR, J.
DATED : 11th OCTOBER, 2022.**

This is an application filed under Section 482 of the Code of Criminal Procedure for modification of clause (iii) of the operative part of the order dated 29th July, 2022 passed by Additional Sessions Judge-16, Nagpur in Criminal Revision Case No.692 of 2021.

2. The clause (iii) of the operative part of order dated 29th July, 2022 read thus:

“(iii) The interim custody of the seized muddemal properties be handed over to the applicant Nitesh Premchand Menghani on executing bank guarantee of Rs.1,00,000/- (Rupees One Lakh only)”

3. It is apparent on the face of the record while directing the applicant to give bank guarantee of Rs.1,00,000/-, the Court had taken into consideration

the value of the seized goods on the date when it was seized from the accused. However, with the passage of time, the value got reduced and that has given reason to the applicant to move this application.

4. The applicant is ready to give solvent surety of Rs.1,00,000/- in place of bank guarantee of Rs.1,00,000/-.

5. Thus, considering the fact that with the passage of time, the valuation of the seized goods has reduced and decreased, the purpose would be served if the applicant is asked to furnish solvent surety of Rs.1,00,000/-. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. Clause (iii) of the operative order dated 29th July, 2022 passed by Additional Sessions Judge-16, Nagpur in Criminal Revision No. 692 of 2021 is modified in the following terms:

“The interim custody of the seized muddemal properties be handed to the applicant Nitesh Premchand Menghani on furnishing solvent surety of Rs.1,00,000/-”

[ANIL S. KILOR, J.]

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by SACHINDANAND
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Date: 2022.10.14
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