IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1396 OF 2022
IN
CRIMINAL APPEAL NO. 379 OF 2006

Ravindra Ramrao Patil Through Authorized
Officer Of Rajaram Co-operative Bank Ltd. ... Applicant

Versus

The State Of Maharashtra And Anr. ...Respondents

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Mr. Kuldeep Patil Advocate for Applicant.

Ms. P. N. Dabholkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 13th JULY, 2023.

<u>P.C.</u>:-

1. The applicant is the Co-operative Bank. FIR was registered at the instance of applicant with Kokrud Police Station alleging the offence of dacoity. Gold ornaments from the bank was stolen by the accused. During the trial, some of the accused were convicted and sentenced to suffer imprisonment and fine. One of the accused has preferred appeal challenging the judgment of conviction viz. Criminal Appeal No. 379 of 2006 which is pending in this Court.

2. The applicant/bank preferred an application for return of property seized during investigation before this Court by preferring Criminal Application No. 101 of 2010 by order dated 15th June 2012. This Court allowed the application and the property in question was directed to be returned to the applicant/bank on furnishing bond to the satisfaction of the trial Court to produce the property as and when required by this Court.

3. Pursuant to aforesaid order, the subject property was returned to the applicant/bank and in accordance with order dated 15th June 2012 bond has been executed by the applicant in the tune of Rs.50 lakhs in the light of the value of the property at the relevant time.

4. This application has been preferred seeking modification of order dated 15th June 2012 passed by this Court granting permission to the applicant/bank to sell the ornaments in the custody of the applicant/bank in accordance with aforesaid order.

5. Vide order dated 28th March 2023 passed by this Court, it was directed that the applicant/bank shall obtain valuation report of the ornaments/articles listed along with application within stipulated period and place it before this Court. On 11th April 2023, the applicant/bank had produced the valuation report of the ornaments enlisted at exhibit-B which was returned to the bank on furnishing the bond to the satisfaction of the trial Court to be produced as and when required by the Court. It was pointed out at the instance of the applicant that for fresh valuation report of

the item enlisted at exhibit-B is obtained from M/s.Sakshi Jewellers, Brahmanpuri, Islampur, who has estimated the valuation of the ornaments and bifurcated into raw gold and allow and estimated valuation as Rs.1,35,69,715/-. The valuation report accompanied by the Certificate issued in favour of M/s.Sakshi Jewellers under the Shop and Establishment Act in form G was enclosed. The valuation report and certificate was taken on record and marked 'X' for identification. This Court however, vide order dated 11th April 2023 directed that, police station in-charge at Islampur to verify the certificate annexed along with valuation report and to record the statement of its proprietor, who has issued the said statement.

6. Learned APP has tendered the report dated 27th June 2023 along with statement of one Nandkumar Kashinath Jadhav. The said statement indicate that, valuation report submitted by the applicant/bank is in consonance with the market value of the gold. Report is taken on record and marked "X-1" for identification.

7. Mr. Patil, learned Advocate for the applicant submitted that, in view of current report with regard to the valuation of the ornaments, the applicant is willing to furnish the bond in respect to the additional valuation as the applicant had already furnished the bond in the tune of Rs.50 lakhs.

8. Considering aforesaid circumstances, the applicant/bank can be permitted to sell the subject ornaments on condition that the applicant shall

furnish additional bond in the sum of Rs.90 lakhs in accordance with order dated 15th June 2012.

9. Interim Application stands disposed off.

(PRAKASH D. NAIK, J.)