



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APPP) NO. 893 OF 2018

IN

CRIMINAL APPLICATION (APL) NO. 571 OF 2015

Nurul Huda Nazir Ahmed Khan & Anr.

... Applicants

V/s.

Clarry Gasper Rodriques & Anr.

... Respondents

Mr.H.P. Pandey a/w. Mr.Aziz Khan for Applicants.

Mrs.M.H. Mhatre, A.PP. for Respondent-State.

CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.

DATE : 7th October 2023.

P.C. :

1) Learned Advocate for Applicants submitted that, during the course of investigation of MECR No. 13 of 2014 the Investigating Agency had seized the documents, which have been more specifically mentioned in para No. (3) of the Application. The said documents are :

(a) Registered General Power of Attorney dated 06/10/1988.

(b) Original NOC on affidavit form dated 07/11/1989.

(c) Original Joint Declaration dated 27/03/1973.

(d) Original 7x12 extract dated 14/12/2010 along with registered Conveyance Deed dated 06/10/1988.

2) He submitted that, perusal of chargesheet would indicate that the police have not annexed those documents to chargesheet while submitting it before the learned Magistrate. The said documents are still in the custody of the Investigating Agency. He submitted that, except document at Sr.No. (d) i.e. 7x12 extract, other documents are of importance for the legal heirs of the Applicants and the Investigating Agency may be directed to return those documents to them. He on instructions reaffirms the said statement made before this Court.

3) In view thereof, we direct the Senior Inspector of Police attached to Sakinaka Police Station, Mumbai to return the documents mentioned at Sr.Nos. (a), (b), (c) & (d) to the legal heirs of the Applicants.

3.1) The Senior Inspector of Police or the Police Officer authorized by him shall verify the identity of the persons claiming those documents being legal heir/s of the Applicants. This be done within a period of three weeks from the date of receipt of present Order.

4) Application is allowed in the aforesaid terms.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)