



Diksha Rane

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

CRIMINAL REVISION APPLICATION NO.12/2024

ABHIJIT SUDAM GHADGE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Mahindra Deshmukh for the applicant.

Mr. S. H. Yadav, APP for the State.

PSI Sagar M. Gaikwad, Vita Police Station, District Sangali.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 8, 2024.

P.C. :

1. Heard learned counsel for the applicant.
2. Learned APP opposed the application.
3. The applicant is a witness in the criminal prosecution instituted against the accused. The accused no.1 is a paramour of the accused no.2. Since the child of the accused no.2 was a hurdle in the way of the relationship between the accused nos.1 and 2, they decided to eliminate him. The accused no.1 being a friend of the present applicant, had borrowed the motorcycle of the present applicant which has been seized by the panchanama drawn

on 10/5/2023 on the accusation that the motorcycle was in use by the accused no.1 at the time of the commission of the offence.

4. An application for return of the property, that is the motorcycle, was made by the present applicant. The application came to be rejected by an order dated 6/11/2023 passed by the trial Court.

5. Learned counsel for the applicant submitted that the motorcycle is deteriorating as it is lying idle. Learned counsel for the applicant further submitted that he undertakes not to deal with or dispose of the motorcycle in question during the pendency of the trial and that the same shall be maintained by him in good and proper condition. He further submits that as and when the trial Court directs, the same shall be produced. It is further undertaken on behalf of the applicant that no material changes will be made to the motorcycle and that the same shall be properly maintained subject to regular wear and tear. Statements accepted as an undertaking to this Court. An affidavit-cum-undertaking be filed before the trial Court in terms of paragraph 5 before return of the property.

6. In my opinion, there is no difficulty in allowing the application in view of the undertaking that is furnished on behalf of the applicant. The applicant is the owner of the motorcycle. The motorcycle will only deteriorate if it lies idle. The trial will not in any manner be prejudiced by such return.

7. The application is allowed in terms of prayer clauses (b) and (c) and subject to any further condition/s that may be imposed by the trial Court.

8. The application is disposed of.

(M. S. KARNIK, J.)