

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2036 OF 2024
IN
CRIMINAL APPEAL NO. 429 OF 2016

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2. At the outset, we may note that the learned Counsel for the petitioner does not press prayer clauses (A) and (B) and as such seeks leave to file a separate application if the occasion so arises. Leave granted.

3. As far as prayer clause (C) is concerned the same reads thus:

“C. This Hon’ble Court be pleased to direct to hand over custody of the valuable muddemal property seized in C.R.No.191 of 2012 which is mentioned in para No.7 of this Interim Application to the Applicant.”

4. Perused the papers. The applicant is the original complainant, at whose behest, C.R.No.191 of 2012 was registered with the Kalamboli Police Station, Panvel, for the alleged offences punishable under Sections 302, 304B and 498A r/w 34 of the Indian Penal Code.

5. After investigation, chargesheet was filed in the said case and after a full-fledged trial, the respondent Nos.1 to 3 (original appellants) in the aforesaid appeal were convicted for the offences

punishable under Sections 302, 304B and 498A r/w 34 of the Indian Penal Code.

6. Against the said Judgment and Order of conviction and sentence, the respondents herein i.e. the appellants have filed the aforesaid appeal. The said appeal has been admitted by this Court vide order dated 12th July, 2016. The applicant (original complainant) has filed the aforesaid application seeking certain articles mentioned in para 7 of the application. The said para 7 reads thus;

“7. The Applicant states that the list of Articles seized in the offence is as Follows-

a. ART NO. K1 - Yellow Metal Flower design Gold Necklace (weight-52.270 gms).

b. ART NO. K2 - Yellow metal Gold Ear Ring 1 pair (weight 11.940 gms).

c. ART NO. K3 Yellow metal two gold bangles (weight 29.990 gms).

d. ART NO. L1 & L2-Two silver plates.

e. ART NO L3 & L4-Two silver glasses.

f. ART NO. L5 - One silver glass.

g. ART NO. L6 & L7 - Two silver spoons.

h. ART NO. L8 to L11-Four Silver Bowls.

(ART NO. L1 to L11 - all silver utensils/articles having weight about 900 gms.)”

7. Learned Counsel for the respondent Nos.1 to 3 nor the learned APP has any objection if the said articles are handed over to the applicant, as this Court may deem fit and proper.

8. Considering the aforesaid, the application is allowed and the articles mentioned hereinabove be handed over to the applicant by the Trial Court on certain terms and conditions including executing of the indemnity bond, as the Trial Court may deem fit and proper.

9. Application is accordingly allowed and disposed of on the aforesaid terms.

10 All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.