



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 283 OF 2025

JAYMALA AHOK GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for the Petitioner : Mr. S. S. Jadhavar
APP for Respondent-State : Ms. Saie S. Joshi
...

CORAM : SACHIN S. DESHMUKH, J.
Date : 10th September, 2025

ORDER :-

1. The petitioner has challenged the order dated 15.07.2024 rendered by the learned Additional Sessions Judge, Rahata, Dist. Ahmednagar on Application dated 19.03.2024 presented by the petitioner in Crime No. 38 of 2024 registered under Section 7 of the Prevention of Corruption Act, 1988 (hereinafter "the Act of 1988" for short).

2. The petitioner is the wife of the accused, namely, Ashok Shripati Gaikwad in the aforesaid crime registered under the Act of the 1988. The accused was apprehended in a successful trap on 29.01.2024, for allegedly accepting bribe of Rs. 10,000/- from the informant / complainant. Thereafter, the Officials of Anti Corruption Department took search of house of accused and seized cash

amount of Rs. 28,50,000/- in a stacks. Therefore, applicant has approached the learned Additional Sessions Court for release of the said amount.

3. The learned Additional Sessions Judge, considering huge unaccounted cash in the stack of currency notes kept in a bag for quite a long period of time covered, with dust gathered on it has been seized from the house of accused, rejected the application. Being aggrieved by the same, the petitioner has approached this Court by way of this writ petition under Article 227 of the Constitution of India.

4. The learned counsel for petitioner submits that the crime registered against the accused / husband of the petitioner is under Section 7 of the Act of 1988 and not under Section 13. As such, the Officials of the Anti Corruption Department had no authority to search the house of the accused. It is further submitted that the alleged amount recovered from the petitioner was borrowed from the relatives for the expenses of marriage of the petitioner's daughter. Therefore, prayed for release of the amount.

5. The learned APP supported the order under challenge and prayed for rejection of the petition.

6. I have heard the learned counsel for petitioner and the learned APP for the State. Perused the entire record made available.

7. Admittedly, the cash amount of Rs. 28,50,000/- is seized from the house of accused / husband of the petitioner by the Anti Corruption Department during investigation. Moreover, the seized bundles has been recovered from bag covered with dust gathered on it which indicates and establishes that the said amount seized was lying in that condition for a considerable period of time. As such, the submission of the learned counsel for the petitioner that the amount is borrowed from the relatives for the purpose of marriage of daughter does not inspire confidence.

8. Apart from the aforesaid fact, the petitioner has not provided just or probable justification for such huge amount of cash bundles lying in their house.

9. As far as the submission of learned counsel for

petitioner regarding the registration of offence under Section 7 of the Act of 1988 and not under Section 13 of the Act of 1988, the Trial Court has rightly noted that the investigation is yet to conclude and therefore, the same does not warrant any consideration at this stage.

10. In view of the above, I am of the considered view that the learned Additional Sessions Judge has not committed any error while rejecting the application of petitioner.

11. The writ petition *sans* merit and accordingly, the same is **dismissed**.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi