



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 34 OF 2025

Kailas Gangadhar Patil,
Age: 42 years, Occupation – Agriculturist,
R/o. Pathrad, Post – Mugat,
Tal – Mudkhed,
Dist. Nanded

...Applicant

Versus

1. The State of Maharashtra
Through the Dy. Superintendent of Police,
Anti Corruption Bureau,
At Sneha Nagar, Nanded

2. The Police Inspector,
Shivaji Nagar Police Station,
Shivaji Nagar, Nanded

...Respondents

- Mr. B. K. Patil, Advocate for the Applicant
- Mrs. P. V. Diggikar, APP for the Respondents/State

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : DECEMBER 02, 2025
PRONOUNCED ON : DECEMBER 04, 2025

JUDGMENT:

1. Revisionist takes exception to order passed below exhibit 01 dated 31.10.2022 by learned Additional Sessions Judge-1, Nanded in Other Misc. Criminal Application No. 80/2022 whereby rejected application filed under Section 457 of Cr.PC for release of seized money.

2. In nutshell, case of petitioner is that, on receipt of report of

demanding bribe, complaint was entertained by ACB against one Shivaji Gangadhar Patil, who was a public servant and was working as police constable in Nanded Rural Police Station. Said Shivaji Patil happens to be petitioner's brother. ACB Authorities laid trap and after final trap, when accused Shivaji Patil was apprehended and on his body search, he was allegedly found to be in possession of tainted currency as well as cash of Rs. 2,25,000/- and, therefore, the investigating officer seized entire amount vide panchnama and deposited bribe amount along with above cash of Rs.2,25,000/- with Shivaji Nagar Police Station, Nanded.

3. Brother of Shivaji Patil i.e. present petitioner by invoking provisions of Section 457 Cr.PC applied for release of above cash by raising a case that cash of Rs.2,25,000/- seized from his brother was in fact money collected from traders in APMC, Nanded by accused brother at the instance of petitioner. The said amount has no nexus or connection with alleged case of illegal gratification. According to him, said cash belongs to him and, therefore, he urges to release of said cash. Above application was opposed by prosecution. After appreciating respective cases, learned Additional Sessions Judge, Nanded rejected the application.

Precisely, said order is now taken exception by filing instant revision.

4. Learned Counsel for petitioner would submit that, admittedly,

there were allegations of demand by petitioner's brother was only to the tune of Rs. 15,000/-. According to him, if at all his brother was apprehended with tainted currency, which was said to be bribe, investigating officer ought to have only seized that much amount. That, accused had no connection with the remaining amount, which was in his possession and but was permitted to collect on behalf of petitioner towards trading business conducted at APMC, Nanded. That, amount of Rs. 2,25,000/- is not of bribe or illegal gratification and, therefore, investigating machinery had no right to seize the same and hence, he urges to release the same by setting aside the order of Trial Court.

5. Per contra, learned APP before this Court strongly opposed the application by submitting that, firstly, petitioner has no locus. That, money was recovered from main accused. That, amount is deposited by investigating officer in police station and the same is safe. According to her, investigation also reveals that contentions of petitioner that amount of Rs.2,25,000/- seized from possession of his brother also is found to be unaccounted. That, inquiry with APMC revealed that no such trading transaction had ever taken place and, therefore, she justifies the order of Trial Court and prays to reject the application.

6. After hearing each of the side, here, apparently revision petitioner happens to be brother of main accused against whom ACB

authorities has proceeded for demanding bribe of Rs.15,000/-. During execution of trap of brother of revision petitioner, namely, Shivaji Patil, he was also said to be in possession of cash of Rs.2,25,000/- apart from the tainted currency allegedly received by him on his demand from complainant. Present petitioner, who is brother of main accused, is now seeking return of the currency so seized by investigating officer in ACB case. Record shows that, said amount is already deposited with Shivaji Nagar police station. Trial is yet to commence. Question of locus of revision petitioner to seek return of seized currency in case of ACB is raised by prosecution.

7. As stated above, for return of seized currency, it is open for petitioner to institute distinct proceedings or to take steps before the Trial Court after commencement of trial or after its conclusion whereby distinct inquiry would be conducted regarding entitlement of revision petitioner to receive back the said cash.

8. For above reasons, revision application is required to be dismissed for want of merit. Hence, the order:

ORDER

Criminal Revision Application stands dismissed.

(ABHAY S. WAGHWASE, J.)

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