



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

963 CRIMINAL APPLICATION NO. 2189 OF 2019
IN CRIMINAL REVISION APPLICATION NO. 65 OF 2010

UTTAM VISHWANATH KAWTIKWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. P.D. Jarare – Advocate for Applicant

Ms. Saie S. Joshi – APP for Respondent No.1, State

Mr. Kulkarni – Advocate for Respondents

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 07.10.2025

PER COURT :

1. Heard.
2. The applicant has presented this application for interim custody of the articles recovered in R.C.C. No.110/1994 in Crime No.17/1994. This Court by order dated 01.08.2019, considering the pendency of the Revision Application granted interim custody of the articles to the applicant, subject to a written undertaking to be given by the applicant requiring the applicant to maintain status of the articles. Further, restraining the applicant from creating any third party interest till the disposal of the Revision Application along with other directions.
3. During the hearing dated 01.08.2019, the Counsel for the applicant sought time for filing the aforesaid undertaking before this Court, which

reads as under :

5. Learned Counsel for the applicant submits that the applicant would give a written undertaking to this Court that he would maintain status of the articles as they are. He would not create any third party interest till disposal of the revision application. Therefore, at the time of handing over the articles in favour of the applicant, a detail memorandum panchanama is necessary to be recorded and the photographs of the articles be taken as per the judgment of ***Sunderbhai Ambalal Desai*** (*cited supra*). Hence, during pendency of the revision application, Clause-4 of the operative order passed by the Additional Sessions Judge, Biloli, Dist. Nanded vide judgment and order dated 28.01.2010 deserves to be maintained in the interest of justice.

Pursuant to the said order the applicant has filed an undertaking dated 29.09.2022. As such, prayed for custody of articles.

4. When confronted with the order of this Court dated 01.08.2019, learned Counsel for the respondents fairly concedes to the compliance made by the applicant and the undertaking filed in that regard.

5. Perusal of the record indicates that this Court, vide order dated 01.08.2019 granted interim custody of articles to the applicant, subject to a written undertaking requiring to maintain the status of the said articles before this Court, the same has been complied with by the applicant.

6. In the light of the order dated 01.08.2019 and the undertaking filed by the applicant, the following order :

ORDER

- (a) The muddemal articles, except item Nos.14 and 15, as directed to be handed over to the applicant by the learned Sessions Judge, Biloli, Dist. Nanded in Criminal Appeal Nos.4/2001 and 7/2001 vide order dated 28.01.2010 shall be given to the applicant.
- (b) The Collector, Nanded is directed to take necessary action and ensure due compliance of the aforesaid order.
- (c) Accordingly, Criminal Application stands disposed of.

[SACHIN S. DESHMUKH]
JUDGE

Pooja Kale/