



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1567 OF 2024

Ganpat @ Shashikant S/o Kondopant Gulwelkar,
Age-58 years, Occu:Business,
R/o-Tilak Road, Dhondipura, Beed,
Tq. and Dist-Beed.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
- 2) The Investigating Officer,
CR No.0360/2023 registered at
Shivajinagar Police Station,
Beed, Tq. and Dist-Beed.

...RESPONDENTS

...
Mr. H.V. Tungar Advocate for Petitioner.
Mr. V.K. KOTecha, A.P.P. for Respondent Nos. 1 and 2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATE : 17th JANUARY, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Petition challenges the action taken by respondent No.2 on 2nd August 2023 thereby sealing the property, shop No.2-16-178 situated at Tilak Road, Dhondipura, Beed, which is owned by the petitioner. According to the petitioner the said action is illegal.

2. Background for the Petition is that offence vide Crime No.360 of 2023 came to be registered with Shivajinagar Police Station, Beed on the basis of the First Information Report lodged by Advocate Santosh Appasaheb Jagtap. At present it appears that there are six accused persons involved in the matter. Present petitioner had given his property on rent by executing proper documents to Jijau Masaheb Multi-state Cooperative Credit Society Limited, Beed. The Investigating Officer has given report which is marked as Exhibit "A". According to him, there were documents in the said property which was taken on lease for the said Credit Society. The said premises have been sealed in view of those documents found therein. However, the Investigating Officer appears to be clear in the mind that there is no involvement of the present petitioner. In clear terms it is written that upon the directions from this Court, vacant possession of the said premises would be given within fifteen days. We take the said statement from Exhibit-A as an undertaking.

3. It is to be noted that while the property was sealed, it appears that no procedure under the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act was

followed. Even for a temporary period if the property would have been locked for the safety of the Muddemal, then it was understandable, but the Investigating Officer ought to have taken steps to remove the Muddemal from the said place which has been shown to be seized in view of the panchnama dated 2nd August 2023.

4. Under the said circumstance, we direct the Investigating Officer to hand over the vacant possession of the property belonging to the petitioner within a period of fifteen days from today. He may execute panchnama at the time of handing over of possession. Even the petitioner is directed to acknowledge the receipt of possession of the property from the Investigating Officer to him.

5. We make it clear that if the Investigating Officer fails to handover the possession of the said property, then the petitioner would be at liberty to seek damages.

6. With the above directions, the Writ Petition stands disposed of.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE