

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.5090 OF 2024
IN
CRIMINAL APPEAL NO.953 OF 2006
WITH
CRIMINAL APPEAL NO.953 OF 2006**

SATISH
RAMCHANDRA
SANGAR

Mahesh Sevamal Ramwani

...Applicant

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In the matter between:-

The state of Maharashtra

...Appellant

Versus

Irfan Allauddin Ansari

...Respondent

Mr.Ateet Shirdokar a/w Ms.Kunjan Makwana, Advocates for Applicant.

Mr.Arfa Saif, APP for Appellant–State of Maharashtra.

Mr.Niranjan Mundargi, Advocate for Respondent.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 7th JANUARY 2025

P.C. :

1. The Applicant is the original first Respondent in C.R.No.I-54 of 2005 dated 9th April 2005 registered at Nijampura (Bhivandi) Police Station. The FIR was lodged under Sections 302, 397 and 394 of the Indian Penal Code, 1860 (“IPC”).

2. The allegations are, that on 9th April 2005, the Applicant's wife was murdered and her gold ornaments were stolen. The investigation was carried out, charge-sheet was filed and the trial was conducted before the Ad-hoc Additional Sessions Judge—Thane vide Sessions Case No.303 of 2005. The Accused was one Irfan Ansari. During the investigation, allegedly on 19th December 2005, the gold ornaments viz., golden chain, four gold bangles, one ear ring, one ring and a pair of toe-rings were recovered at his instance. Those ornaments buried inside one compound.

3. The trial was conducted and at the conclusion of the trial, the Accused was acquitted. In the operative part, the learned Judge directed, that *the muddemal property i.e. the golden ornaments be returned to the present Applicant after Appeal period was over.*

4. The State of Maharashtra has preferred an Appeal against the acquittal vide Criminal Appeal No.953 of 2006. The Appeal is pending for its final disposal. The incident is of the year 2005 and the Appeal is of the year 2006. It is not likely to be decided in near future.

5. Learned Counsel appearing for the original Accused who is the Respondent in Criminal Appeal No.953 of 2006 has no objection, if the ornaments are returned to the Applicant /Original Complainant.

6. After looking at the facts of this case, it can be seen, that the Complainant had lost his wife in an offence of murder and he had also lost the golden ornaments. No one else is claiming those ornaments. According to the prosecution case, those gold ornaments are connected with the crime and were stolen from the Applicant's home.

7. In this view, we are inclined to allow this Application. Hence, following order:-

ORDER

- (i) The golden ornaments recovered during investigation of C.R.No.I-54 of 2005 which is the subject matter of Sessions Case No.303 of 2005 be returned to the Applicant on his executing a necessary bond, subject to the satisfaction of the trial Court.
- (ii) Before handing over the ornaments, the Investigating Officers shall take the photographs of the ornaments under panchnama and shall keep them with the records of this Appeal.

(iii) The Applicant shall undertake to pay the compensation, in case, he is unable to produce the ornaments, if so required by the Court at the stage of hearing of the Appeal.

8. Interim Application is disposed of in the aforesaid terms.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)