

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

CRIMINAL WRIT PETITION NO. 3330 OF 2025

Shubhangi Sachin Walke

...Petitioner

Vs.

The State of Maharashtra

...Respondent

Adv. Shailesh Kharat a/w Adv. Onkar Chaudhari a/w Adv. Ashwet Bhoir	Advocate for the Petitioner
Ms. S. E. Phad	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 30th JUNE 2025

P. C. :-

1. Heard learned Advocate Shri Kharat for the Petitioner and learned APP for the Respondent-State.
2. The Petitioner is the wife of the Accused-Sachin. Her two cars are seized. She applied for return of those cars by way of two separate applications dated 30.08.2024. They are on page no. 39 and page no. 44. Even though both the applications were heard, the learned Judge who heard those applications could not decide them prior to leaving the charge and

that is why this writ petition for giving direction to the trial court to expedite the disposal of those applications.

3. The learned Advocate Mr. Kharat has invited my attention to the roznama dated 18.03.2025. On that date, the learned APP has argued those applications below Exhibits 254 and 255 and they were adjourned for orders. There is roznama to that effect on 08.04.2025. As said above, learned judge has not decided those applications. In the month of June, new judge has taken over the assignment and now applications are fixed on 05.07.2025.

4. The Judge who has heard the matter need to dispose it of. This Court is not aware why they are not disposed of by the earlier Judge. The roznama shows that there are several interim applications. It is true that now both the applications needs to be re-heard by the new Judge. The Petition can be disposed of by giving directions. The learned Advocate Mr. Kharat submitted that the petition be kept pending, but there is no point in keeping the petition pending.

5. It is true that applications are yet not decided. No arguments on merits is heard. The learned Advocate Mr. Kharat submitted that his client is having good case on merits and there is no need to keep cars pending till disposal of the trial. If the identity of the vehicle is to be established, during

trial it can be done by that way and no purpose will be served by keeping the cars pending. According to him, there is a Supreme Court judgment which states that identity can be proved even by the obtaining the photos of that car. He is at liberty to make all this submission before the trial Court and trial Court can consider the same.

6. In view of that following order is passed:-

ORDER

- (i) Let the Applicant can appear before the trial Court on 05.07.2025.
- (ii) The trial Court to hear both the sides on that date.
- (iii) If it is not possible considering the workload, the trial Court to fix the time schedule for hearing the parties and also to fix the time schedule for disposing of the applications.
- (iv) An endeavour should be made to decide them as early as possible by considering the fact that they were heard earlier.

7. The Writ Petition is disposed of. No observations on merits.

[S. M. MODAK, J.]