

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

CRIMINAL WRIT PETITION NO. 4561 OF 2025

Bengal Millsstore Supply
Company Bombay through Partner
Zubin Virendra Doshi

...Petitioner

Vs.

The State of Maharashtra

...Respondent

Adv. Prathesh Mandik a/w Adv. Aaditya Mahamiya	Advocate for the Petitioner
Shri Yogesh Y. Dabke	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 02nd SEPTEMBER 2025

P. C. :-

1. Heard learned Advocate for the Petitioner and learned APP.
2. Even though the copy is not supplied to the office of the Public Prosecutor, in view of the fact that I am remanding the matter, I have heard learned Advocate for the Petitioner. He invited my attention to the following documents:-

(a) Copy of F.I.R. on page no. 26 dated 14.12.2024

filed by the first informant-Madhukar Murlidhar Aamrav, who is doing business as proprietor of Dakshayani services. He is authorized by Maharashtra Seamless Limited.

(b) The Maharashtra Seamless Company is manufacturing pipes and they claim that they are holding copy rights. In premises of one Bengal Mill Suppliers Limited, when they conducted the raid, certain pipes were found. It was in breach of copy rights granted to the first informant. That is why certain pipes were seized. The F.I.R. is lodged against one Virendra Chunnilal Doshi.

3. On this background, the Petitioner has applied for return of the pipes before the learned Magistrate. He has annexed the following documents:-

- (a) Copy of the Deed of Partnership dated 01.04.2016, on page no. 15.
- (b) Copy of the Supplementary Partnership Deed, on page no. 24.

(c) The photocopies of the invoices relating to purchase of the seized muddemal pipes.

4. The learned Magistrate has rejected the request of the interim custody simply on the ground that true or verified copies of those documents are not annexed. Learned Advocate submitted that his client can produce the verified photocopies of those documents.

5. According to learned APP, liberty can be granted to the Petitioner to apply again before the trial Magistrate with these verified photocopies. Certainly, it can be considered when the prayer for interim custody is made. The Court is required to hear the claimant as well as the first informant and accused. It is expected from the trial Court to do this exercise.

6. It is true the Hon'ble Supreme Court in case of Sunderbhai Ambalal Desai Vs. State of Gujarat¹ has made certain observations when valuable articles, currency notes, vehicles are seized. The learned Judge may also go through those observations. My attention is invited to the averments in the reply, on page no. 41 filed by learned APP before the trial court. The objection is taken that if the custody is

1 (2002) 10 SCC 283

granted they will sell them and these pipes are important piece of evidence.

7. After remand, learned Magistrate may also consider the fact that whether the identity of these seized pipes can be secured by taking photographs. It is made clear that this Court has not made any observations about the claim made on behalf of the Petitioner. It is for the trial Court to decide about the said claim. This Court has made general observations about the approach to be taken while deciding the prayer for interim custody.

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

ORDER

(i) Writ Petition is partly allowed.

(ii) The order dated 15.07.2025 passed by the learned 6th

Judicial Magistrate, First Class, Thane in C.R. No.

1705 of 2024 is set aside.

(iii) Liberty is granted to the Petitioner to produce verified

photocopies of the documents which were filed before

the trial Magistrate earlier. Even they are at liberty to

file additional documents, if they want.

(iv) The trial Court is directed to decide the claim after hearing the concerned parties.

9. If required the learned Magistrate can also give direction that pipes may be preserved during the pendency of the application. This direction is given because it is submitted that these pipes are kept in open place and particularly considering the rainy season.

10. With these observations, the Writ Petition is disposed of.

[S. M. MODAK, J.]