

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

**INTERIM APPLICATION NO.1900 OF 2025
IN
CRIMINAL APPEAL NO.1217 OF 2012**

Mahananda Suresh Shelar Applicant
versus
Suresh Parshuram Shelar & Ors.. Respondents
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- Mr. Mohit Dalvi a/w Aarya V. Ambulkar, Advocate for Applicant.
- Mr. Mohan N. Devkule, Advocate for Respondent No.1.
- Ms. Sangita D. Shinde, APP for the State/Respondent No.2.
- Mr. Shreeram Shirsat, Spl. P.P. a/w Mr. Nikhil Daga a/w Antara Kulkarni a/w Shekhar Mane, Advocate for Respondent No.3/CBI.

**CORAM : SARANG V. KOTWAL, J.
DATE : 14th AUGUST, 2025**

P.C. :

1. This is an application for return of ornaments of the Applicant, which were seized by the Officers of the Respondent No.3 CBI ACB, Mumbai, during the investigation, which resulted in Special Case No.45/2002 before the learned Special Judge, CBI, Mumbai.

2. Heard Mr. Mohit Dalvi, learned Counsel for the Applicant, Mr. Mohan N. Devkule, learned counsel for the

Respondent No.1, Mr. Shreeram Shirsat, learned counsel for the Respondent No.3 and Ms. Sangita D. Shinde, learned APP for the State.

3. On 05/08/2025 and 12/08/2025 time was sought by the Respondent No.3 to file reply. But till today reply is not filed. However, looking at the urgency, I am deciding this application.
4. The application is for return of the gold ornaments as mentioned earlier. They are in the custody of the Trial Court. The Applicant's husband was prosecuted in the said Special Case No.45/2002 on the allegations that during the check period from 01/01/1995 to 07/12/2000, he possessed assets disproportionate to the known source of income to the tune of Rs.18,86,244/-. He was convicted for commission of offence punishable u/s 13 (2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988. He was sentenced to suffer rigorous imprisonment for 5 years and to pay a fine of Rs.25,000/- and in default of payment of fine to suffer further rigorous imprisonment for three months. The cash amount of

Rs.15,00,000/- was directed to be credited to the Government. Vide clause 3 of the operative part of the order, it was directed that the gold ornaments sized vide Panchanama Ex.73 be returned to the wife of the accused after the Appeal period was over.

5. Learned counsel for the Applicant submitted that the Applicant is in dire need of money as her husband i.e. the original accused is suffering from cancer. She herself is a Senior Citizen and is suffering from various health issues. Therefore, she is in need of money. The ornaments in question were 'Stridhan' and had nothing to do with the assets involved in the case.
6. Learned counsel for the Respondent No.3 does not have serious objection for allowing this application.
7. I have considered these submissions. In paragraph No.32 of the impugned judgment, there is a reference to the seizure of jewellery belonging to the Applicant. It is also mentioned in paragraph No.34 that as per the prosecution case,

the accused during the relevant period possessed assets of gold ornaments worth Rs.2,27,990/-. The same paragraph mentions that P.W.18 had received Rs.14,000/- from the accused for purchasing bangles. But there was no evidence on record to show that the accused had purchased gold ornaments seized by the prosecution worth Rs.2,27,990/-.

8. In paragraph No.35, it is observed that it was not shown to the Court that the accused had purchased gold ornaments in his name. The operative part clearly indicates that the seized ornaments were directed to be returned to the Applicant after the Appeal period was over. Therefore, there is force in the submissions of the learned counsel for the Applicant that it was 'Stridhan' and it had nothing to do with the assets for which the prosecution was lodged. The application also mentions that the original accused i.e. the husband of the Applicant is suffering from cancer. The Applicant herself is of 64 years of age. She has retired from service and has her own health issues.

9. Considering this aspect, it would be just and proper and in fact it is necessary that the ornaments are returned to her as early as possible. Therefore, I am inclined to allow this application.

10. Hence, the following order :

ORDER

(i) The application is allowed in terms of prayer clause (c), which reads thus:

c. That this Hon'ble Court be pleased to direct that as per order 31/10/2012 passed by the Learned Special Judge for CBI at Mumbai in Special Case No.45 of 2002, the gold ornaments seized vide Panchanama dated 08/12/2000 at Exhibit 73 be given in the custody of the present applicant.

(ii) The application is disposed of.

(SARANG V. KOTWAL, J.)