



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

**CRIMINAL APPLICATION NO. 1203 OF 2026
IN APEAL/808/2015**

1. SAMRATSINGH OMKARSINGH PARDESHI (DIED)
2. SHIVNANDA W/O SAMRATSINGH PARDESHI

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Sanket S. Kulkarni h/f
Mr. Jaybhaye Shivanand L.

APP for Respondents/State : Mr. K. K. Naik

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 4th MAY 2026

PER COURT :

1. The present application is filed by the convict Shivnanda Pardeshi wife of Samratsingh Pardeshi who was also convicted vide the judgment and order dated 21.05.2014 passed by the learned Sessions Judge, Aurangabad in Special Case No. 23/2003 under Section 13 of the Prevention of Corruption Act to suffer rigorous imprisonment for three years and pay fine of Rs. 20,000/-. The Appeal No. 361/2014 is filed by the Appellant Shivnanda Pardeshi and her deceased husband Samratsingh Pardeshi which is pending adjudication before this Court.

2. At the time of passing of the judgment dated 21.05.2014, no separate order of attachment was passed by the learned convicting Court. However, after a period of almost 15 months, on

06.10.2015, the learned convicting Court passed a separate order attaching the properties belonging to the Applicant No.2/Shivnanda and her deceased husband. The properties attached by the learned Sessions Judge are as follows :

All Immovable Properties i.e. Gala No. 19, CTS No. 307, situated at Somwar Peth, Pune Plot bearing Old Municipal No. 971 and 2-3-11/1 and New No. 4-15-50/p, CTS No. 2712/1 situated at Kotwalpura, Aurangabad and constructions thereon, Plot bearing Municipal No. 4-15-19, admeasuring 12.20 Meter X 15.55 Meter, Land Gut No. 2 admeasuring 11R situated at Mauje Girner, Land Gut No.65 admeasuring 8.5 Hecter situated at Rampuri, and the constructed shed of Gurukrupa Steel and Gurukrupa Wires Company situated in the land Gut No. 65, of Mauje Rampuri Tq. and Dist. Aurangabad.

3. The order dated 06.10.2015, passed after 15 months of the judgment convicting the Appellant, was also challenged by the present Applicant Shivnanda and her deceased husband in Criminal Appeal No. 808/2015, which is still pending adjudication.

4. The learned Counsel Mr. Kulkarni, representing Applicant No. 2/Shivnanda, submits that the husband of Shivnanda expired during the pendency of the appeal. The Applicant, being a widow, is facing financial difficulties in meeting her day-to-day expenses. Out of Gut No. 65, land admeasuring 1H 12R was acquired by the Maharashtra State Road Development Corporation (MSRDC). The Corporation therefore moved an application before this Court seeking permission to deposit an amount of Rs. 3,07,33,410/-. This Court,

vide order dated 26.02.2021, permitted MSRDC to deposit the compensation amount for acquiring land admeasuring 1H 12R out of Gut No. 65, which had been attached by the convicting Court vide order dated 06.10.2015 and is under challenge in Criminal Appeal No. 808/2015.

. The learned Counsel further submits that the disproportionate assets calculated by the convicting Court amount to approximately Rs. 35 to 40 Lakhs, whereas the properties attached are of much higher value. The Applicant No.2 therefore makes a limited prayer to be allowed to withdraw the remaining amount deposited by MSRDC before this Court towards compensation for the acquired land belonging to the Applicant and her deceased husband, in order to meet her day-to-day expenses and sustain her livelihood.

5. The Applicants submit that the residential house, godowns, borewell, wells, and pipelines used for irrigating the land in Gut No. 65, including the well which was the source of water for irrigation, have been demolished for the purpose of construction of National Highway No. 52 and the Samruddhi Mahamarg. Due to this demolition, the Applicants have lost their source of livelihood. The original accused, Samratsingh Pardeshi, expired on 29.03.2024. Consequently, his wife, the surviving applicant, has been left without any source of income, as the land, house, and godown were lost in the compulsory acquisition. The Applicants further submit that they had earlier filed Criminal Application No. 1063/2021, which was disposed of by this Hon'ble High Court on 12.05.2023. In that order,

this Hon'ble Court permitted withdrawal of 25% of the accrued interest. A copy of the order dated 12.05.2023 is annexed herewith and marked as Exhibit R-5. The Applicants submit that the amount of interest received pursuant to the above order was very meagre, and the Applicant has been left with no funds to survive. The said amount was already required for the medical treatment of deceased Samrat Singh Pardeshi, and the entire sum was exhausted towards medical expenses. Consequently, no amount remains for the survival of the Applicant. The Applicant herself is in need of medical care and attention, but she has no money to meet such expenses. Her condition has become extremely precarious. The Applicants therefore, by way of the present application, seek withdrawal of the amount deposited by the acquiring body. If the said amount is not released to the Applicant, it will cause grave prejudice to her. It is further submitted that the property under attachment is the property received by the Applicant through family partition vide Spl. C.S. No. 278/1985, decided by the Civil Judge, Senior Division, Nashik. Importantly, the land attached by the courts below is the Applicant's ancestral property, obtained by partition from her mother, Phulabai, and it has no connection whatsoever with Samratsingh Omkarsingh Pardeshi. Phulabai, by selling ancestral land, purchased the present attached land for Rs. 5,00,000/-. This fact is most material. A copy of the Compromise Decree dated 14.09.1989 passed by the Learned Civil Judge, Senior Division, Nashik in Spl. C.S. No. 278/1985, along with other relevant documents, is annexed herewith and collectively marked as Exhibit R-6.

6. The State was therefore directed to take instructions in this regard and file an affidavit. The learned APP, Mr. Naik, has tendered an affidavit filed on behalf of the Sub-Divisional Officer, wherein it is stated as follows:

“I further say and submit that taking into consideration the disproportionate assets of the original accused Nos. 1 and 2, the amount is not more than Rs.35,00,000/-. Therefore, the attachment to that tune ought to have been made and for the remaining amounts, this Hon'ble Court may pass an appropriate order. I say that as per the judgment of the learned Sessions Court, the amount of Rs. 35,00,000/- be secured in this Court and this Hon'ble Court may pass appropriate order in respect of rest of the amount, which is prayed by the applicant. Hence, this affidavit to pass an order in Criminal Application No. 1203/2026.”

. A perusal of the affidavit shows that the disproportionate assets, as per the impugned judgment, in respect of accused No.1 are shown to be Rs. 8,83,221/-, whereas in respect of accused No.2, the disproportionate assets are shown to be Rs. 27,45,374/-. Thus, the total amount is not more than approximately Rs. 35 Lakhs. However, an amount of Rs. 3,07,33,410/- is deposited by MSRDC before this Court.

7. Thus, taking into consideration that apart from Gut No. 65, all other properties have already been attached under the judgment against which the appeal is pending, it appears that the remaining portion of Gut No. 65, admeasuring 5H and 44R, still remains attached under the judgment impugned in Criminal Appeal No.

808/2015. Therefore, enough properties are already attached by the convicting Court.

8. In view of the above, I do not see any impediment in releasing the remaining amount in favour of the Applicant, subject to the Applicant furnishing an undertaking to redeposit the amount along with interest in the event both the appeals filed against the judgment of conviction as well as the judgment of attachment are dismissed by this Court, thereby maintaining the impugned judgments. Hence, I am inclined to pass the following order :

ORDER

- (i) The Criminal Application is partly allowed.
- (ii) After deducting an amount of Rs. 41 Lakhs, the amount deposited before this Court, i.e., Rs. 3,07,33,410/-, the remaining amount shall be allowed to be withdrawn by the Applicant No.2
- (iii) The remaining amount shall be permitted to be withdrawn by the Applicant No.2 upon furnishing an undertaking that she shall redeposit the said amount along with interest, in the event both the appeals filed against the judgment of conviction as well as the judgment of attachment are dismissed by this Court, thereby maintaining the impugned judgments.
- (iv) The Criminal Application stands disposed of accordingly.

MEHROZ K. PATHAN
JUDGE

NATJEEB..