



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 CRIMINAL APPEAL NO. 62 OF 2026

KIRAN MADHUKAR SHEJWAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Appellant : Mr. Narwade Narayan B.
APP for Respondents/State : Mr. R.D. Raut
.....

CORAM : Y.G. KHOBRAGADE, J.
DATE : 16.02.2026

PC.:-

1. Heard advocate Mr. Narwade the learned counsel appearing for the appellant and Mr. Raut the learned APP for the respondent nos.1 and 2.
2. By the present appeal under Section 11 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act), the appellant, the owner of the premises has put-forth prayer clause-B as under:

“B] That, the impugned Order dated 09.01.2026 passed by the Ld. Special Judge, Ahmednagar below Exh.22 in Special Case No.63/2025 may kindly be quashed and set aside, and the license property sealed by the investigating officer may kindly be directed to open the seal and hand over the possession of the license premises to the present appellant.”

3. The learned counsel appearing for the appellant canvassed that he constructed building on Survey No.24/1A+24/2 on Plot No.1/D at Shramik Janta Nagar Sahakari Housing Society, Ahilyanagar. On the first floor, he raised construction of 700 sq.ft. On 07.06.2023, he executed leave and license agreement with one Bharat Baban Pund, the Chairman of the Bhagyalaxmi Multistate Co-operative Credit Society Ltd., Ahmednagar and leased out the same premises to run the business of co-operative society. However, on 23.10.2024 the said property was sealed in connection with Crime No.667/2024 registered on 10.09.2024 with MIDC Police Station, Ahilyanagar for the offence punishable under Section 316(5), 318(3), 318(4), 61(2) of BNS Act read with Section 3 of the MPID Act. It is further contended that, the said society is having 15 branches in entire Ahilyanagar district. Since then the leased out premises is under sealed condition and the appellant, being owner of the leased out premises he is entitled for possession of the same. Therefore, he moved Exh.22 an application for de-sealing the property in Special Case No.63/2025 and shifting of the record and giving compensation to him. However, on 09.01.2026, the learned Special Court passed the impugned order and rejected the application Exh.22.

4. The learned counsel appearing for the appellant canvassed that as per the provisions of Section 457 of Cr.P.C. corresponding to Section 497 of BNSS, when any property is produced before any Criminal Court or the

Magistrate during the pendency of trial in connection with that crime the property can be released in favour of the person who is entitled for the custody/possession.

5. Per contra, the learned APP strongly resisted application on the ground that the accused financial institution Bhagyalaxmi Multistate Co-operative Credit Society Ltd., Ahmednagar, its office bearers and other persons have indulged into offence of financial irregularities, therefore, the said premises has been sealed and all record of the said financial institution is lying in the said premises. So also, the present appellant is the owner of the said leased out premises in question, which has been leased out to the said financial institution. Therefore, at the most the appellant may be entitled for the monthly lease amount/rent and he cannot ask for vacating the premises under the garb of Section 457 of Cr.P.C. corresponding to Section 497 of BNSS. Hence, prayed for dismissal of the appeal.

6. Needless to say that, the present appellant is the owner of the property and the said property was leased out to the accused on monthly rent / lease amount, as per the leave and license agreement executed on 07.06.2023 between the present appellant and one Bharat Pund, the Chairman of the said financial institution. It appears that the several terms and conditions were prescribed in the agreement for occupation of the

premises as well as for vacating the premises.

7. Indeed, on 10.09.2024, Crime No.667/2024 was registered with MIDC Police Station, Ahilyanagar for the offence punishable under Section 316(5), 318(3), 318(4), 61(2) of BNS Act read with Section 3 of the the MPID Act. On 23.10.2024, the Investigating officer visited the premises in question and had drawn seizure panchanama and other documents. As per the seizure panchanama, the forensic audit of several documents, accounts, deposit counter foils and other documents are required to be done, as all these documents are kept in the leased out premises. Needless to say that, Section 457 of the Cr.P.C. corresponding to Section 497 of BNS cannot be applied to the immovable property which has been seized and sealed in respect of the offences like MPID Act, so also, the present appellant who is the owner of the premises can only be entitled for rent amount as per the terms of the agreement, as the appellant is having alternate remedy to get the decree of eviction executed from the competent Court.

8. In view of above, I do not find that the impugned order passed by the learned trial Court is illegal, bad in law and no interference is called for at the hands of this Court. Hence, the appeal is dismissed.

[Y.G. KHOBRAGADE, J.]