

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

CRIMINAL WRIT PETITION NO. 4615 OF 2025

Roshan Sunil Tandale

...Petitioner

Versus

The State Of Maharashtra And Anr

...Respondents

SANTOSH
SUBHASH
KULKARNI

Mr. Shrirang Katneshwarkar, i/b Darshana Gurjar, for the
Petitioner.

Mr. A. R. Metkari, APP for the State.

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SANTOSH SUBHASH
KULKARNI
Date: 2026.03.14
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CORAM: N. J. JAMADAR, J.

DATED: 13th MARCH, 2026

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 1st April, 2025, whereby the learned Additional Sessions Judge, Nashik, rejected a revision application preferred by the petitioner against an order passed by the learned Magistrate, whereby an application preferred by the petitioner for the return of the property came to be partly allowed, and the sum of Rs.16,00,000/- which was seized from Mahesh Shinde (A3) was not released in favour of the petitioner.
3. The learned Magistrate as well as the learned Additional Sessions Judge have recorded that Mahesh Shinde (A3), from whom the said amount was allegedly recovered, has raised a

specific defence that the said amount belonged to him and it was paid by him to a builder in connection with another transaction. Mahesh Shinde (A3) specifically asserted that he would establish at the trial that the said amount had no nexus with the amount allegedly seized in connection with the offence in question.

4. In view of the aforesaid specific objection raised by the accused regarding the amount which has allegedly been seized, the Courts below have taken a correct view that, at this stage, the said amount cannot be returned to the first informant and the entitlement to the said amount would be a matter for adjudication at the trial.

5. However, the Court finds that it would enure to the benefit to the successful party if the amount is invested in an interest bearing account.

6. The petition, thus, stands disposed with a direction to invest the said amount in an interest bearing Fixed Deposit account, if already not so invested.

7. The amount shall abide the final decision at the trial.

8. All contentions of all the parties are kept open to be adjudicated at the trial, and the trial Court shall not be

influenced by any of the observations made in the order passed by the trial Court or the Revisional Court.

9. The petition stands disposed.

[N. J. JAMADAR, J.]