

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

CRIMINAL APPLICATION NO. 1556 OF 2025

Prakash Amrutlal Thakkar ..Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Prasad Borkar i/by Mr. Manuj Borkar, for the Applicant.
Mr. A R Metkari, APP for the Respondent-State.

CORAM: N. J. JAMADAR, J.
DATE : 12th FEBRUARY 2026

P.C.:

1. Heard the learned Counsel for the Applicant.
2. By this application, the applicant is seeking the following relief:

“a. allow the present application and order the
Ld. Judicial Magistrate first Class 13th Court at
Dadar, Mumbai to permit the Applicant to file
necessary application for return of property in C.
No. 3628/PW/2005 (Original Case No-157/P/1996)
arising out of FIR/Crime No- 191 of 1995 registered
with N M Joshi Marg Police Station and to complete
the hearing of the application for Return of
Property and further to decide the application in a
time bound frame of three months from the date of
order passed in the above Application;”

3. The applicant is the first informant in CR No. 191/1995, registered with N. M. Joshi Marg Police Station, Mumbai. Criminal Case No. 3628/PW/2005, arising out of the said CR No. 191/1995, came to be disposed as abated in view of the death of the accused on 16th October, 2024.

4. During the course of investigation in the said crime, the Investigating Officer has recovered certain property. The applicant had filed an application for return of the property. By an order dated 31st July, 1996, the learned Metropolitan Magistrate, Dadar, had allowed the said application and directed the return of the said property to the applicant/complainant.

5. Being aggrieved, the accused and his wife had preferred a petition before this Court. By an order dated 26th February, 1997, this Court allowed the said petition and the order passed by the Magistrate directing the return of the property to the applicant, came to be set aside. The gold ornaments were ordered to be kept in the custody of learned Magistrate and the cash amount was ordered to be invested with a Nationalized Bank and the other documents were directed to be preserved in the custody of the Court.

6. The petitioner is aggrieved by the order dated 17th January, 2025, whereby while disposing the Criminal Case No.

3628/PW/2005 as abated, the learned Magistrate has not passed any order in regard to the disposal of the property.

7. Since by the orders of this Court, the property seized during the course of investigation is retained *custodia legis*, it would be in the fitness of things that, the learned Magistrate passes an appropriate order in regard to the return of the property upon the disposal of the said criminal case as awaited.

8. The applicant is thus permitted to file an application in disposed of CC No. 3628/PW/2005, arising out of CR No. 191/1995, registered with N. M. Joshi Marg Police Station, for return of the property.

9. In the event, such an application is filed, the learned Magistrate is requested to hear and decide the same in accordance with law as expeditiously as possible.

10. The application stands disposed.

[N. J. JAMADAR, J.]