

Ajit

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1664 OF 2026**

Milo Jewels Llp Through Bhavya Shah	...Petitioner
Versus	
State Of Maharashtra And Anr.	...Respondents

Mr. Veerdhaval Deshmukh i/b Harshita Shroff, for the Petitioner.
Mr. D. J. Haldankar, APP for the Respondent-State.
PSI - Nitin Kamble, Amboli Police Station, present.

CORAM: N. J. JAMADAR, J.
DATE : 17th APRIL 2026

P.C.:

- 1.** Heard the learned counsel for the Petitioner.
- 2.** The challenge in this Petition is to an order dated 23rd January 2026, whereby the application for return of the property, i.e. 14-carat gold necklace studded with diamonds, weighing 86.448 grams valued at around Rs.11,12,916/-, was rejected.
- 3.** A perusal of the impugned order indicates that the learned Magistrate was persuaded to reject the application on the ground that a copy of the panchanama was not annexed to the application and no opportunity of hearing was given to the accused from whose custody the said ornament was allegedly recovered.
- 4.** If that was the case, the learned Magistrate ought to have directed the Investigating Officer to place on record the copy of the

panchanama and given notice to the accused before rejecting the application.

5. In this view of the matter, the impugned order is required to be quashed and set aside, and the application is remitted back to the learned Magistrate for fresh determination, after providing an opportunity of hearing to the parties.

6. The impugned order stands quashed and set aside.

7. The application stands restored to the file of learned Magistrate.

8. The learned Magistrate shall give notice to the accused and pass a reasoned order on the merits of the application, keeping in view the decision of the Supreme Court in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat**¹.

9. The Petitioner is permitted to file an additional affidavit.

10. The Investigating Officer shall place on record a copy of the seizure panchanama under which the said ornament was allegedly seized.

11. The learned Magistrate shall decide the application as expeditiously as possible.

12. The Petition stands disposed.

[N. J. JAMADAR, J.]

1 (2002) 10 SCC 283