

Session Case No. 93/2024
State of Maharashtra
Vs.
Sunil Shivaji Dhotre and
others

ORDER PASSED BELOW EXH. 59

1] The informant namely Santosh Mundhada, happens to be employee of Rajuri Steel located in Jalna MIDC, Jalna, has filed this application for return of the seized amount of Rs. 9,60,000/- on supurtnama.

2] It is contended in the application that, he was proceeding in a vehicle driven by the driver Pramod Kude alongwith cash amount Rs. 27 Lakhs, collected from different business establishments, on behalf of his employer. A dacoity was committed by 4 to 5 persons who arrived at the spot in Andhera ghat around 08.30 p.m. They first stopped the vehicle driven by Pramod. One of them held a knife near the applicant's neck and another to his stomach. The applicant and driver were dragged out of the vehicle and both of them were tied. Those unknown persons robbed the amount kept in the vehicle. Then the applicant lodged the report of the incident and an offence vide Cri. No. 49/2024 under Section 395 read with 120 of the IPC came to be registered.

3] During the course of investigation, out of the total robbed amount, Rs. 9,60,000/- came to be seized by the police which has been sought custody of by the applicant.

4] As a necessary corollary, the say of the concerned persons from whose custody amount was seized was called for. Simultaneously, the say of the learned PP was also invited. Accordingly, the learned PP submitted to pass suitable order on the application. The learned advocates for accused no. 3 and 7 have also come up with the submission to pass suitable order on the application.

5] The different amounts, which was seized from the possession of Namdev Eknath Sable, Navnath Ramdas Khalate and Deepak Ramdas Sarode, though served, did not cause their presence nor filed their responses.

6] Heard the learned counsel for the respective parties.

7] It is apparent on the face of record that the trial will take its own course for the purpose of its disposal in one way or another. However, the said longstanding pendency may hamper the business prospects of the employer of the applicant. No purpose is going to be served by withholding the amount in the police station. By way of seeking an undertaking and indemnity bond to compensate or produce the amount, in the event the court deems it expedient to direct so, the amount lying in the police station can be handed over to the applicant

(informant) representing Rajuri Steel, MIDC Jalna. Hence, the following order.

ORDER

- 1] Application is allowed.
- 2] The amount of Rs. 9,60,000/-, lying with the Police Station Andhera, be handed over to the applicant namely, Rajeshwar Shivprasad Shrimali after due identification and extending an undertaking and indemnity bond to that effect expressing therein the version that the amount of Rs. 9,60,000/- shall be deposited in the court as an when asked by the court to do so.
- 3] Investigation officer shall take photographs of the said amount before delivery of the same to the applicant and shall forward them to the court.
- 4] Expenses of photographs shall be borne by the applicant.
- 5] The undertaking and indemnity bond so submitted by the applicant, before accepting the delivery of the amount, be forwarded to this court so as to tag it with the Sessions Trial case.
- 6] Police Station, Andhera be intimated accordingly.

(Vinay V. Muglikar)
Additional Sessions Judge,
Buldhana.

Dt. 27.02.2025.