

In the Court of Additional Sessions Judge, Dhule.

(Presided over by Mr.D.M.Aher)

Application Exh.24

In

Sessions Case No.125/2021

(CNR No.MHDH010025152021)

(State of Maharashtra V/s. Nagesh Shejwal and Ors.)

ORDER

The applicant Dr.Mukesh Murlidhar Suryawanshi has prayed for the interim custody of Rs.97,800/- seized by West Deopur police Station in Crime No.75/2021.

2. It is the case of the applicant that he is medical practitioner and Director at Shree Vighnaharta Superspeciality Hospital, Dhule. On 28.05.2021, the applicant Dr.Priti Patel and Technician Mrs.Nandadevi Rajputl gave the amount of Rs.6,37,700/- to Mr.Gokul Wani, the Accountant of the hospital to deposit in the bank account of the hospital maintained at Canara Bank and Jalgaon Janta Co-operative Bank. However, on a way, the accused obstructed the accountant Gokul Wani and robbed the bag containing cash and cheques. The accountant lodged the report and crime came to be registered. The amount of Rs.2,27,800/- came to be recovered from accused. The Technician Nandadevi Rajput and Priti Patel have got the interim custody of their amount of Rs.1,30,000/- by the order of the court. The remaining amount of Rs.97,800/- belongs to the hospital. Hence, this application.

3. The Investigating Officer did not file say to the application. The learned A.P.P. Mr.N.B.Kalal opposed the

application by say below Exh.24. It is stated that the amount is required to be retained as evidence during the trial. Hence, the learned A.P.P. prayed to reject the application.

4. Heard. It is clear that accountant Mr.Gokul Wani lodged the report stating that on 28.05.2021 he was carrying the amount of Rs.6,37,630/- and some cheques to the bank to deposit it in the account, but on a way the accused robbed the said money from him. It is clear from the papers that the police have arrested the accused and seized the amount of Rs.1,17,800/- from accused No.2 Aakash and Rs.1,10,000/- from accused No.1 Vikky. It is significant to note that previously Dr.Priti Patel and Nandadevi Rajput had filed application Exh.8 and 13 for withdrawal of their amount and the accused filed reply stating that they have no concern with the seized money.

5. It is clear that as per order below application Exh.8 and 13, the amount of Rs.1,00,000/- is paid to Dr.Priti Patel and Rs.30,000/- is paid to Nandadevi Rajput. The amount of Rs.97,800/- is lying with the police. It seems from the report that the said amount belongs to Shri.Vighnaharta Superspeciality Hospital. The accused have not raised any claim on the said amount. The trial will take time for completion. As such, there is no need to keep the amount lying at the police station. Indeed, there is risk of misplacement or loss of money at the police station. Hence, it would be proper to return the said amount to the hospital.

6. The documents filed with the application shows that the applicant is the Director of hospital. As such, there is no impediment to return the amount of Rs.97,800/- to the applicant on the certain terms and conditions. Hence, the following order.

7. The application Exh.24 is allowed. The interim custody of the cash amount of Rs.97,800/- (Rupees Ninety Seven Thousand and Eight Hundred) seized in Crime No.75/2021 registered at West Deopur police station be handed over to applicant Dr.Mukesh Murlidhar Suryawanshi on his furnishing indemnity bond of Rs.1,00,000/- on a condition that he shall produce the said amount as and when ordered by the court. The indemnity bond to be executed before the court.

(D.M.Aher)
Additional Sessions Judge
(Court No.5), Dhule.

Date : 13.05.2025.

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CERTIFICATE

I certify that the contents of this P.D.F. File are word to word as per Original Judgment/Order.

Name of the Stenographer : J.S.Jain.
Name of the Court : Court of District Judge-5,Dhule.
Order directly typed on dias : 13.05.2025.
computer.
Order checked and signed by : 13.05.2025.
Presiding Officer
P.D.F. Uploading Date : 13.05.2025.

Sd/- xxx
Stenographer(Grade-I)