

MHKO010051002022



ORDER BELOW EXH.176 IN SPECIAL CASE NO.285/2022

This is an application filed by Prakash Tukaram Patkar (accused No.21) for return of his passport which is valid till 5/12/2028, u/s. 451/457 of Cr.P.C.

2. The applicant is prosecuted for the offences u/s. 420, 406, 409 r/w.34 of IPC and u/s. 3,4 and 6 of The Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999(MPID Act). The passport of the applicant has been seized during investigation. An amount more than 300 Corers has been involved in this crime.

3. Heard Shri. S.P.Sangar, the learned advocate for the applicant and Shri. A.A.Peerzade, the learned APP. The prosecution has resisted this application by say on the ground that the passport seized in this crime is necessary to be preserved for just decision of the case and to ensure the presence of the applicant for recovery of the amounts invested by the depositors. There is every possibility that the applicant would flee away by using the said passport.

4. Considering the nature of offences, section 4 of MPID Act, provides for attachment of properties on default of return of deposits. The passport of the applicant has been seized during investigation and I find no just reason to return the said passport to the applicant which would be detrimental for further proceeding of this case and also the recovery of the invested amount. The application is devoid of merit and is liable to be rejected.

ORDER

The application is rejected.

Date: 25/09/2023.

(**S.R. Salunkhe**)
Special Judge (MPID),
Kolhapur.