

Order below Exh.1 in Cri.M.A. No.49/2025
(CNR No. MHNS100010732025)

By filing this application under Section 503 of B.N.S.S., it is prayed that the ornaments seized in the charge-sheet of the case i.e. Sessions case No. 6/2013 be given to the applicants on the ground that in that case, applicant's father was accused and that charge-sheet was filed against him under Section 306, 498A, 323, 504, 506 of IPC and that after the trial accused in that case was acquitted by the Judgment and order dated 07.11.2023 and that the Ld. Additional Sessions court also directed that after the appeal period, the ornaments seized in that case be given to both the applicants through their guardian as at that time, they were minor and that thereafter since that time of judgment till the filing of this charge-sheet, more than 2 ½ years is passed and appeal is not filed. It is therefore, submitted that application may be allowed.

2. Thereafter this court directed the applicants to make informant Tarabai as party as respondent No.3 and Walmik Balu Sanap i.e. accused is also made party as respondent No.2.

3. Thereafter this court directed the concern clerk to report as to whether appeal is filed against the judgment and order of the Ld. Additional Sessions court in Sessions Case No.6/2013. The concern clerk gave her report that she perused the Bombay High Court portal and District Court portal but it does not appear that any appeal is filed against the said Judgment.

4. Ld. APP has submitted that necessary order may be passed.

5. Perusal of the said Judgment and order passed by the Ld. Additional Sessions Judge in Sessions Case No. 6/2013 shows that in para No.5 of the operative order it is mentioned as under :

“5. Seized muddemal i.e. seized ornaments as per muddemal receipt Exh. 49 be delivered to Abhijit Valmik Sanap and Tejaswini Valmik Sanap through their guardian, after appeal period is over.”

6. Considering the fact that there is nothing on record to show that appeal is filed against the Judgment of acquittal passed in Sessions Case No. 6/2013 and that since the time of that Judgment and order, more than 2 years have been passed and that both the applicants have become major, I am of the view that seized muddemal property i.e. seized ornaments be given to the custody of both the applicants Abhijit Valmik Sanap and Tejaswini Valmik Sanap subject to certain conditions. Hence, I pass following order.

ORDER

1. Muddemal property i.e. seized ornaments as per muddemal receipt Exh.49 be given to the custody of both the applicants subject to condition that they shall give undertaking on affidavit that if any appeal is already filed or if any appeal would be filed in future, then they shall abide by the final order passed in the said appeal.

2. Inform accordingly

Date : 24.03.2026
Place : Niphad

(Abdussalam A.A.Shaikh)
Additional Sessions Judge-1,
Niphad.