

MHRG170002402023



ORDER BELOW EXH.03
IN SESSIONS CASE No.26/2023
KHARGHAR C.R.NO.134/2022
THE STATE V/S. RIZWAN IMRAN KHAN
(PASSED ON 04th DAY OF MAY, 2023)

This application is moved on behalf of applicant- Milind Gulabrao Vatare for release of seized cash amount of Rs.8,90,000/- vide Section 457 of the Code of Criminal Procedure.

2. The investigating officer has filed his say vide Exh.6. He has no objection to release the seized cash amount in favour of applicant on certain terms and conditions. Learned A.P.P has also no objection to release the seized cash amount.

3. Points for the determination and my findings thereon for the reasons stated below;

SR. NO.	POINTS	FINDINGS
I.	Whether grounds are justified to release the seized cash amount in terms of prayer ?	Yes.

II.	What Order ?	The application is Allowed.
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REASONS

4. Perused application, say filed. Heard learned advocate Shri.Akash Dongre h/f advocate Shri.D.S.Patekar for accused, as well as learned A.P.P. Shri.C.Y.Patil for the State.

AS TO POINTS NO. I AND II :

5. The prosecution is registered as Crime No. 134/2022 for the offence under Section 420, 170, 34 of the Indian Penal Code at Police Station Kharghar. The applicant is the informant. He lodged the report that the cash amount of Rs.39 Lakh was stolen by giving threat as a police. The police seized cash amount of Rs.8,40,000/- from the said amount of Rs.39 Lakh.

6. The applicant moved application for release of seized cash on *suprutnama*. The investigating officer as well as prosecution has no objection to release the said cash subject to terms and conditions. In the light of reply coupled with the informant is the applicant and he is entitled to retain the said cash as such, on all these grounds the applicant is entitled to release the seized cash. I answer Point No.I in the affirmative.

With this, I pass following order ;

ORDER

1)	The application for return of seized cash to the tune of Rs.8,40,000/- is allowed.
2)	The Investigating Officer, Police Station, Kharghar in Crime No.134/2022 is directed to hand over the custody of the seized cash in favour of the applicant - Milind Gulabrao Vatare on following terms and conditions;
(i)	The Investigating Officer shall take photographs of the seized cash before releasing it and compliance be forwarded to this Court.
(ii)	The applicant shall execute indemnity bond of Rs.8,40,000/- (Rs.Eight Lakh Forty Thousand only) and undertook above conditions in it.
3)	Inform to concerned Police Station accordingly.
	Dictated and pronounced in Open Court.

Panvel,
Date : 04.05.2023

(K.G. Paldewar)
Additional Sessions Judge,
Panvel

Arguments heard on	04 th Day of May, 2023.
Judgment/order delivered on	04 th Day of May, 2023.
Dictated on	04 th Day of May, 2023.
Transcribed on	04 th Day of May, 2023.
Checked and signed on	04 th Day of May, 2023.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same and as per the original Judgment/Order.

Name of the Stenographer	: P.S.Mhatre
Name of the Court	: Additional Sessions
Judge,	Panvel
Date of Judgment/Order	: 04.05.2023.
Judgment/Order signed on	: 04.05.2023.
Presiding Officer	: K.G. Paldewar
Judgment/Order uploaded on	: 04.05.2023.