

MHRG170011042024



SPECIAL CASE NO.76/2024

**The State of Maharashtra
Vs.
Kamal Jaiswani & Ors.**

CNR NO. MHRG170011042024

ORDER BELOW EXH.8

1. By this application, the applicant has prayed for passing order to de-seal the property bearing No.308, admeasuring 4293 Square Feet situated at Dheku, Tal-Khalapur, Dist-Raigad.
2. Upon perusal of the reply filed by the Investigation Officer at Exh.16, it is found that the Investigation Officer has given no objection for releasing property by opening the seal in favour of the applicant, but subject to certain conditions. The Investigation Officer has submitted that the chemical and other articles which are lying in the disputed premises cannot be shifted to other place as there is no adequate place in the police station to store them and that the articles are dangerous to the human life and therefore he has prayed for destruction of the aforesaid articles. Further, it is claimed that assembly set up/distillation unit has been installed in the aforesaid premises and that if the seal is to be opened, in that case the assembly set up/distillation unit would be required to be changed and therefore it is prayed for passing appropriate orders.

3. Learned advocate Mr. Bhoir for the applicant has relied upon the judgment of Hon'ble Madhya Pradesh High Court in the case of Laduram Vs. State of M.P., M.Cr.C.No.51929/2019 dated 16/01/2020 submit that the Court is empowered to open the seal of immovable property.
4. In the light of this and no objection given by the Investigation Officer this court had tried to explore the alternate arrangement. In response learned advocate for the applicant Mr. Bhoir has submitted that total area of the premises is around 4293 Square Feet and that if the portion at which articles were found to be stored and the place at which assembly set up/distillation unit has been installed is protected, in that case, he has no objection to pass order to open the seal of the remaining property.
5. In the light of the reply filed by the Investigation Officer and the submission made by the learned advocate for the applicant, in my view following order would meet the ends of the justice. Hence, I proceed to pass following order.

:: ORDER ::

- 1) The application is allowed.
- 2) The seal of the property bearing No.308, admeasuring 4293 Square Feet situated at Dheku, Tal-Khalapur, Dist-Raigad is ordered to be opened after making arrangement by the applicant to secure the chemical and other articles and the assembly set up/distillation unit, in presence of the Investigation Officer.

- 3) The Investigation Officer shall seal the portion of the shade in which the chemical and other articles including assembly set up/distillation unit are installed, in presence of the panchas, by drawing panchanama.
- 4) At the time of sealing the same, the Investigation Officer shall snap photographs and draw detail panchanama and forward the same to this Court.
- 5) Needless to say that the applicant shall bear the cost of snapping photograph and making arrangement for securing premises wherein the chemical and other articles including assembly set up/distillation unit are installed.
- 6) Upon receiving the copy of order, the investigation officer, within seven days, shall visit the above premises and comply with the above order and report the compliance.

Place : Panvel.
Date : 22/01/2026

(Dinesh E. Kothalikar)
Additional Sessions Judge, Court No.2,
Panvel, Dist. Raigad.