

Order below Exh. 1 in Cri. M.A. NO.15/2025
(CNR No.MHRT010002902025)

(1). Perused the application. By this application, the applicant prayed for return of property. The applicant is the owner of the property i.e.. P-89, Mirjole, MIDC, area 2500 Sq.ft., Tal. & Dist. Ratnagiri. He has given this property on 10/06/2023 to respondent no.2 i.e., accused no.1 of the present matter, to keep products of his business on leave and license basis. The Ratnagiri Rural Police Station registered crime bearing no.76/2024 for the offences punishable under sections 420, 406, 34 of the Indian Penal Code and section 3 and 4 of MPID Act against the said accused persons who were running the said company namely Arju Techsol in the rented premises of applicant. The said accused came to be arrested and investigation is completed. During investigation, the Investigating Officer sealed the property on 26/05/2024. Accused persons are in jail. They have not paid rent amount/leave and license fees to present applicant since so many months. They could not pay electricity bill of the property, therefore the applicant being owner of the said property had to pay light bill. The property is immovable property which has been sealed by police and it is locked. If the property remains as it is in sealed and locked condition, it may cause damage to the property and said property has been given by applicant to respondent no.2 for commercial purpose. Applicant has produced notice issued to applicant and leave and license agreement between applicant and respondent no.2. Applicant has also produced building completion certificate along with Lease Agreement dated 04/09/2015 executed between

M.I.D.C. Mirjole, Ratnagiri and applicant. Keeping the said property as it is, is not of any help to the prosecution to prove the alleged offences against the accused. Finally, it is prayed to allow the application and hand over the possession of the said property to the applicant being original owner and he further submitted that he will abide by the conditions imposed by the Court and execute indemnity bond to that effect.

(2). Investigating Officer filed his say at Exh.7 and resisted the application and submitted that the applicant is owner of the said property and accused no.1 was tenant of the same, wherein Arju Techsol Company was run by the accused. The rent amount has been given from the money collected from the depositors. There is no other place to keep the said muddemal safe to police administration and Rural Police Station, Ratnagiri. Applicant was not present before the I.O. for investigation purpose. Finally, it is prayed to reject the application.

(3). The respondents/accused no.2A and 2C have filed their say at Exh.9 stating that they have no objection to hand over possession of said property to the applicant and requested to hand over other muddemal to them or to police.

(4). The respondent no.3 has appeared through learned DGP and filed his say at Exh.14 stating that the alleged property i.e., Plot No.89, MIDC, Mirjole, Ratnagiri is not in his custody and prayed to pass necessary order.

(5). Heard learned advocate Shri. S. A. Bhave for the applicant, learned APP Shri. A. A. Phansekar for the State. I have gone through the documents produced.

(6). Ld. Advocate Shri. S. A. Bhave submitted that applicant is the registered owner of the said property. Since so many months, the said property i.e.. P-89, Mirjole, MIDC, area 2500 Sq.ft., Tal. & Dist. Ratnagiri is in the sealed condition without use which is lying idle. However the water and electricity bill has to be paid by the applicant without use and without utilizing the said property. He further submitted that the said property is not of any use to prove the offence against accused. Further if the Investigating Officer relied upon the existence of this property as material piece of evidence, the photographs of the said property can be obtained by every angle and can be used as evidence. It is further submitted that there is uncertainty that the matter will be tried in early future and matter would be concluded and till then the applicant will have to suffer heavy loss by keeping property idle without use till conclusion of trial. If it is kept so, the applicant will be the person who will have to suffer heavy loss. Therefore, I came to conclusion that application is worthy to be allowed. Hence, I proceed to pass following order.

ORDER

- 1) Application stands allowed as follows;
- 2) The Investigating Officer of Ratnagiri Rural Police Station in C.R. No.76/2024 for the offence punishable

under sections 420, 406, r.s. 34 of IPC and sections 3 and 4 of MPID Act is hereby directed to open the seal of said property i.e.. P-89, Mirjole, MIDC, area 2500 Sq.ft., Tal. & Dist. Ratnagiri and to snap photographs of the entire property in various angles which may facilitate the Court during trial of the matter.

- 3) The Investigating Officer is directed to hand over the possession of property i.e.. P-89, Mirjole, MIDC, area 2500 Sq.ft., Tal. & Dist. Ratnagiri to applicant namely Prashant Madhav Khanolkar on executing indemnity bond of Rs.25,00,000/- (Rs. Twenty Five Lakh Only).
- 4) The Investigating Officer is directed to hand over the custody of products which are kept in the said property i.e.. P-89, Mirjole, MIDC, area 2500 Sq.ft., Tal. & Dist. Ratnagiri to the Rural Police Station, Ratnagiri after making detailed panchanama and take photographs of the said process and products.
- 5) Applicant shall not change nature of property.
- 6) Applicant should not make any structural changes in the property.
- 7) The Investigating Officer shall prepare detailed panchanama and take photographs of the property as directed before handing over the same to the applicant after the execution of necessary bond as directed.

8) Inform all the concerned accordingly.

Date :- 01/04/2026.

**(A. M. Ambalkar)
Addl. Sessions Judge,Ratnagiri.**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Criminal M.A. No. 15/2025 Order below Exh. 1
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge Ratnagiri.
Date of Decision	:-	01.04.2026.
Order signed by the P.O. on	:-	01.04.2026.
Order uploaded on	:-	30.05.2026.