

CNR No.MHSI010005462026



Received on : 22.05.2026
Registered on : 22.05.2026
Decided on : 09.06.2026
Duration : 0Y- 0M-17D

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SINDHUDURG,
AT OROS, DISTRICT SINDHUDURG

(Presided over by S. T. Tripathi)

CRIMINAL REVISION PETITION NO.38/2026.

Exh.No.10 .

The State of Maharashtra.
Through Police Inspector,
Kankavali Police Station,
Tal. Kankavali, Dist. Sindhudurg. ...**Petitioner**

VERSUS

Venktesh Babu
Age 53 years, Occu. Real Estate,
R/o. Bengaluru, State- Karnataka. ...**Respondent/**
Accused No.6

Appearances:

Mr. R. V. Desai, A. P. P. for Petitioner/State.
Mr. S. N. Bhanage Advocate for the Informant.
Mr. U. S. Sawant Advocate for the Respondent/Accused No.6

J U D G M E N T

(Delivered on 09th day of June, 2026)

This is a revision petition under Section 438 of the
Bharatiya Nagarik Suraksha Sanhita, 2023 challenging the legality

of the order dated 20.04.2026 passed by learned Judicial Magistrate, First Class, Kankavali by which prayer for further 5 days' police custody was rejected.

2. Learned A. P. P. Shri. Desai and Adv. Shri. Bhanage pray for further police custody remand on various grounds inter alia :

- (i) Accused did not co-operate investigation.
- (ii) Property papers and Laptop are to be recovered.
- (iii) One Thar car has been recovered, however a Fortuner car and Swift Desire Car are yet to be recovered.
- (iv) Clothes of the co-accused Madhusudan and Vardan are lying with present applicant which are to be recovered.
- (v) Both mobiles of deceased are to be recovered.
- (vi) Co-accused are to be arrested.
- (vii) Learned J. M. F. C. has not considered the above grounds and passed illegal order. Most of the time of police custody was consumed in traveling as interstate investigation was to be conducted. His physical custody is necessary for the purpose of investigation. In failure charge-sheet cannot be filed.

To buttress his submission that revision is maintainable learned A. P. P. Shri. Desai and Ld. Advocate Shri. S. N. Bhanage relied upon the following citations:

- i. Madhu Limaye vs. The State of Maharashtra 1978 AIR 47,*
- ii. CBI vs. Vikas Mishra alias Vikash Mishra AIR 2023 Supreme Court 1808,*
- iii. Meena Ashok Gabda vs. Manoj Gopaldas Taneja & Anr. 902*

Criminal Writ Petition No.1905 of 2024 of Bombay High Court Aurangabad Bench.,

iv. Ambarish Rangshahi Patnigere vs. State of Maharashtra Criminal Writ Petition No. 2785/2009 Bombay High Court.

v. State of Karnataka vs. Kalandar Shafi Writ Petition No.3526/2024 Karnataka High Court.,

vi. Parshuram Dongare vs. State of Maharashtra 2018 Cri. L. J. 1702 Bombay High Court (Nagpur Bench).,

wherein it is held that police can ask for further police custody remand within 40 or 60 days as the case may be. Hence I proceeded on the basis of principle of law expounded here-in-above.

3. Learned Adv. Shri. Sawant submits that this application is not maintainable being interlocutory order as the prosecution is at liberty to move as many applications as possible for Police Custody Remand on fresh grounds before learned J. M. F. C. as provided under Section 187(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023. Learned J. M. F. C. has remanded the accused in police custody for sufficient period. As the grounds for seeking further police custody, were the same, learned J. M. F. C. rightly rejected the prayer for further police custody remand. Hence he prays to reject this application. To buttress his submission Shri. Sawant has relied upon following citations:

i. Meena Ashok Gabda vs. Manoj Gopaldas Taneja & Anr. 902 Criminal Writ Petition No.1905 of 2024 of Bombay High Court Aurangabad Bench.

ii. Shazaib Sabir Patel vs. State of Maharashtra & Anr. Writ

Petition No. 5722 of 2025 Bombay High Court.

4. Heard Ld. advocates of both the sides. Points for determination, along with their respective findings, for the reasons, are discussed hereunder.

<i>Sr.No.</i>	<i>Points</i>	<i>Findings</i>
1]	Is, this revision petition maintainable ?	Yes
2]	Does the impugned order call for interference of this Court?	No
3]	What order ?	This revision petition stands dismissed.

REASONS**Points 1 to 3 :-**

5. As the above points are interconnected with each other, they are discussed simultaneously, for the sake of convenience and to avoid repetition.

6. Firstly taking up the point of maintainability of this application I proceed on the basis of principle of law laid down in case of Ambarish Rangshahi Patnigere vs. State of Maharashtra cited supra wherein it has been held that, “*Order granting or refusing police custody is amenable to revision under Section 397 of the Criminal Procedure Code, 1973.*” Hence relying upon the above principle of law I hold that this revision petition is maintainable before this Court. Consequently authorities cited supra by

Shri.Sawant is not applicable herein due to distinguishable factual backgrounds on the point of maintainability of this revision petition.

7. Now, taking up the merits of the case, learned A. P. P. Shri. Desai and Shri. Bhanage pray for further police custody remand of five days on the 19 grounds inter alia that, (i) Accused did not co-operated investigation., (ii) Property papers and Laptop are to be recovered.,(iii) One Thar car has been recovered, however a Fortuner car is yet to be recovered, (iv) Clothes of the co-accused Madhusudan and Vardan are lying with present application which are to be recovered, (v) Both mobiles of deceased are to be recovered, (vi) Co-accused are to be arrested.

8. It is relevant to mention that by order dated 20.04.2026 learned J. M. F. C. Kankavali had rejected the earlier application for further police custody remand after observing that grounds urged by the prosecution were substantially reiterative in nature and not fresh or compelling circumstances necessitating further custodial interrogation were demonstrated.

9. It is also noteworthy that the aforesaid order was challenged by Criminal Revision Application No. 30/2026 which came to be rejected or order dated 08.05.2026 on the ground that prosecution may avail the remedy before the learned J. M. F. C. and this revision is not maintainable. Thereafter by order dated 16.05.2026 the application seeking further police custody remand was rejected by passing impugned order .

10. The order passed by learned J. M.F. C. demonstrates that sufficient time was granted for the purpose of investigation. One Thar car was recovered. Thus police had sufficient time for recovery of vehicles, clothes and had sufficient time to complete investigation for the purpose sought for. No separate time is necessary for the purpose of recovery of alleged articles and documents. Law does not provide for separate time for recovery of particular article or thing or vehicle or weapon etc. No fresh or compelling ground has been made out for further police custody remand. Consequently, further police custody remand cannot be granted on same ground.

11. After reconsidering the facts and law independently, I have arrived at same conclusion, as drawn by the learned J. M. F. C. Police have failed to make out case for further police custody remand. Therefore, the impugned order calls for no interference. Consequently, this petition being devoid of merits, is liable to be dismissed. Hence, finding stands recorded to point 1 in 'affirmative', point 2 in 'negative' and to point 3, as under.

ORDER

This Criminal Revision petition stands dismissed.

Date: 09.06.2026.

(S. T. Tripathi.)
Additional Sessions Judge,
Sindhudurg- Oros.