

MHCC02016 IN THE COURT OF SPECIAL JUDGE UNDER MCOC ACT,
8752024 FOR GREATER MUMBAI AT MUMBAI



ORDER BELOW EXHIBIT-22
IN
MCOC SPL. CASE NO.2223 OF 2024

Naresh Nagesh Nayak
age 44 years, Occ: Business
residing at 14, 3rd floor,
Alankar Bldg. Near Sion Hospital
Sion, Mumbai-400 022

...Applicant/ First
Informant

Versus

The State of Maharashtra,
(At the instance of Sion Police Station,
C.R.No.166 of 2024)

... Respondent

- 1) Babasaheb Khatwaji Bhagwat
- 2) Dinkar Sambhaji Salve
- 3) Sagar Narayan Redekar
- 4) Vasant Krishna Naik
- 5) Shyam Hilal Gaikwad
- 6) Neeraj Naresh Khandagale
- 7) Hiren Bhavanbhai Waghela
- 8) Ajit Atmaram Apraj
- 9) Rajjiuddin Mansoor Ansari
- 10) Premchand Mewalal Jaiswal
- 11) Krishna Rama Naik

.... Accused.

CORAM : THE ADDL. SESSIONS JUDGE AND
THE SPECIAL JUDGE UNDER
MCOC/NIA/POTA ACT
MAHESH K. JADHAV (COURT ROOM NO.55)

DATE : 10/12/2025.

Appearance:

Adv P. B. Patil for original complainant,
Adv. Kamlesh Gujar for accused no.4 & 8,
Adv. Rupesh Bhalshankar for accused no.5,
Adv. Sandeep Sherkhane for accused no.10 & 11.
SPP Jaysing Desai for State.

ORDER

This is an application on the part of informant Naresh Nagesh Naik for returning of cash of Rs. 68,62,000/- and 2 gold coins seized in the C.R.No. 166/2024.

2. The prosecution has given no objection to return the amount.

3. All the accused strongly objected the present application by filing their say on the ground that the applicant is not a person who entitled to the custody of the seized amount.

4. Heard learned Advocate Adv P. B. Patil appearing for the complainant. He submitted that mother of the applicant namely Shantery Nair is owner of the Hotel Cafe Mysore. The amount looted in the robbery is belonged to the said business. She is old. Being a informant, the applicant is entitled to the return of the said cash amount of Rs. 68,62,000/- and 2 gold coins in the crime which was looted from his custody. Therefore, he prayed to allow the application. In support he relied on the following citations:-

- a] **Sunderbhai Ambalal Desai Vs. State of Gujarat**
(AIR 2003 Supreme Court 638)
- b] **Mr. Prakash Vernekar Vs. State of Goa and Anr.**
(2007 ALL MR (Cri) 2293)
- c] **Jagmohansingh s/o. Lakhbirsing Gill Vs. State of Maharashtra and Anr.** (2009 ALL MR (Cri) 118)

5. Learned SPP submitted that the prosecution has no objection only if the Court is found the applicant is the person who is entitled for the custody of amount.

6. All the defence counsels submitted that their arguments. Crux of their arguments is that, the statements of the informant suggest that he has produced his bank account to the police. But the same was not attached with charge-sheet. The applicant is not a person who is entitled to receive the custody of the said amount. The application itself indicates that mother of the applicant is entitled for the custody of the said amount. Therefore,prayed for rejection of the application.

7. Perused the record. The record reflect that in the incident dated 13.05.2024 six unknown persons pretending themselves to be a officers of crime branch, looted Rs. 25 lakhs from the custody of the present applicant. The C.R.no. 166 of 2024 came to be registered on 14.05.2024 to Sion Police Station. The supplementary statement dated 18.05.2024 of the present applicant reflect that he has ascertain the exact amount from his mother. In which it was revealed to him that amount of Rs. 72 lakhs and 2 gold coins were looted. Thus, there are two different versions of informant himself about looted amount. No account of that looted amount was furnished by the prosecution in the charge-sheet or complainant in the present application. Further it reflect that the recovered amount of Rs.50,000/- alleged to be custody of Vasant Naik was claiming by him as his own amount. Whether

said looted amount and recovered amount is same or not is required to be considered at the stage of trial and not at this interim stage.

8. As per the ratio laid down in Prakash Vernekar's case, Hon'ble Bombay High Court held that the "statement by the accused person leading to discovery can be looked into for the disposal of the property". But in the instant case, the applicant himself not sure about exact amount looted from his custody nor he has provided any documents to show that he is the person who is entitled to the custody of the said amount. The applicant himself stated that his mother told exact amount and she is owner and entitled for the custody of the said amount, which itself contrary to the application submitted by the applicant. Thus, ratio upon which the applicant is relied upon is not applicable to the facts and circumstances of the present case. The applicant is not a person who is entitled for the custody of the stolen amount. Therefore, application deserves to be rejected. Hence, I proceed to pass the following order.

ORDER

1. Application at Exhibit-22 is rejected.
2. Application at Exhibit-22 is disposed of accordingly.

Dated:- 10/12/2025

**(Mahesh K. Jadhav)
Additional Sessions Judge
& Special Judge Under MCOC Act
Greater Mumbai.**

Dictated on : 10/12/2025
Typed on : 10/12/2025
Signed on : 10/12/2025

“ CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”.		
UPLOAD DATE	UPLOAD TIME	NAME OF TYPIST
12/12/2025	11.25 a.m.	Mayuresh P Tathe
Name of the Judge (With Court Room No. 55)		HHJ Shri. Mahesh K. Jadhav
Date of pronouncement of JUDGMENT/ORDER		10/12/2025
JUDGMENT/ORDER signed by P.O. on		10/12/2025
JUDGMENT/ORDER uploaded on		12/12/2025