

ITEM NO.33

COURT NO.17

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).5681/2025

[Arising out of impugned final judgment and order dated 27-03-2008 in CRLA No.283/2006 passed by the High Court of Judicature at Bombay at Aurangabad]

BHASKAR SHANKAR WAGH

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(FOR ADMISSION)

(IA No. 72871/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 72868/2025 - EXEMPTION FROM FILING O.T.)

Date : 25-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Vijay Hansaria, Sr. Adv.
Mr. M. Y. Deshmukh, AOR
Ms. Manjeet Kirpal, Adv.
Ms. Sanyukta N. Suryawanshi, Adv.
Mr. Aswathaman D., Adv.
Mr. Atharva D. Kale, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Vijay Hansaria, learned senior counsel for the petitioner.

2. The challenge in the present petition is to the impugned judgment dated 27.03.2008 passed by the High Court in Criminal

Appeal No.283 of 2006 to the extent that since the High Court has observed that the amount which was disproportionate to the known sources of income from the property belonging to the petitioner, the same should be directed to be returned to the petitioner on him satisfying an amount of Rs.9,00,000/- (Rupees Nine Lakhs) to the respondent-State.

3. Learned senior counsel has taken us through various provisions of the Prevention of Corruption Act, 1988 (for short, the "P.C. Act, 1988") and tries to impress us that the auction of property of the wife of the petitioner has been made solely on the ground that the petitioner has not disclosed about the acquisition to the Department as per the service rules. It was contended that under the P.C. Act, 1988, the requirement under Explanation to Section 13 came into existence for the first time, as prior to that under the P.C. Act, 1947, no such provision was there. It was thus, contended that in a harmonious reading of two provisions as also what has been expounded by this Court in the case of *Jagan M. Seshadri v State of Tamil Nadu*, (2002) 9 SCC 639, the property acquired prior to coming into force of the P.C. Act, 1988, cannot be presumed to be the property of the petitioner more so, when it was bought by the father of the wife of the petitioner and gifted to her in the year 1986 i.e., much prior to coming into effect of the P.C. Act, 1988.

4. Having given our anxious thoughts, we are not in agreement with the submission of learned senior counsel for the petitioner that the property of the petitioner, which was disproportionate and attached/confiscated in the year 1991, though the trial court

judgment was of 2006, the amount which was in excess of his known sources of income should be allowed to be deposited by the petitioner to the Government and the property so attached, should be handed over back to the petitioner.

5. We find this to be too simplistic an approach for the simple reason that the valuation of the property in the year 1991 compared to the year 2025, but naturally, would have increased manifold and thus, if a person charged and convicted is given the option after many years to satisfy the original difference and take back the property which now, would be worth much more than the difference, it would amount to a position where the Government would have held the property in trust for the accused and giving it back to him at a premium where he can earn much more than what the worth of the property was at the time of commission of the offence. Though, issues were raised at the bar with regard to the implications of the law but we find that on this simple point, interference in the matter is unwarranted by this Court, especially in the facts and circumstances of the present case.

6. Accordingly, the Special Leave Petition stands dismissed.

7. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)