



Cri. M. A.115/2022
Shubham Vs State
Crime no.151/2022
State Excise, Shirol
CNR NO.MHKO180007632022

ORDER BELOW Exh.01
(Dated 19th October, 2022)

1] This is application filed under section 457 of the Cr.P.C. for return of property. As per his contention, he is owner of Mobile Phone i.e.Y 20 A of VIVO company bearing IMEI No.864419059175296. His mobile phone is recovered by the I.O. for the investigation of Crime No.151/2022. Said mobile is required for conversation. If it is kept lying in the police station, it will be damaged. Hence, he has requested to grant this application.

2] Say filed by investigating officer. He has no objection to return said mobile to applicant on certain terms and conditions. However A.P.P. has requested to reject this application.

3] Applicant has filed his affidavit in support of this application. He has also filed mobile purchased receipt of Shri Mahalaxmi Mobile, which shows that the applicant is the owner of Y 20 A of VIVO company company bearing IMEI No.864419059175296.

4] As per the contention of the applicant, said mobile is required for conversation. Much more time may be required to file charge-sheet and conclude the trial. Therefore, there is no purpose

by keeping the said mobile in the police station. Moreover it will be nothing but a loss of national property. Hence, it will be just and proper to return the mobile to the applicant by imposing certain conditions. Hence, I proceed to pass following order.

ORDER

- (i) Application is allowed.
- (ii) Temporary custody of Mobile Phone Y 20 A of VIVO company bearing IMEI No.864419059175296 be handover to the applicant after execution of indemnity bond of Rs.15,000/- (Rupees Fifteen Thousands only).
- (iii) Applicant is directed to execute said indemnity bond before this Court.
- (iv) Indemnity bond executed by the applicant be sent to the concern police station.
- (v) I.O is directed to take photograph of above mentioned mobile and prepared panchanama and submit the same along with final report in crime No.151/2022
- (vi) Applicant is hereby directed not to change the color of said mobile as well as not to alienate said mobile without prior permission of this court.
- (vii) Applicant is hereby directed to produce above mentioned mobile phone before this court as and when directed.

Date: 19/10/2022.

[S.S. Ingle]
Judicial Magistrate, (F.C.)
Kurundwad.