

**IN THE COURT OF METROPOLITAN MAGISTRATE,
32 ND COURT, BANDRA, MUMBAI**

C.C. No. 643/N/2018
C.R. No. 260/2018.
Nirmal Nagar Police Station.

Mihir Vyomeshchandra Baxi

... Applicant

V/s.

**Sr. Inspector of Police,
(Nirmal Nagar Police Station)**

...Respondent.

**ORDER BELOW APPLICATION FOR RETURN OF PROPERTY VIZ.
SAMSUNG COMPANY MOBILE PHONE, MODEL NO. C-9.**

By this application the applicant **Mihir Vyomeshchandra Baxi**, is seeking return of one Samsung company Mobile phone, model No. C-9, as quoted in the application, being entitled for the same. It is further alleged that, it was stolen by accused, therefore he had lodged complaint with Nirmal Nagar police station and said mobile is recovered by Nirmal Nagar police station. He is ready to produce the said property whenever required till final disposal of case. The application is supported by various documents such as copy of F.I.R., affidavit, copy of Aadhar card and purchase invoice.

2. Accordingly say of investigating officer and learned APP were called. Investigating officer rendered his no objection to release the said mobile in favour of applicant, whereas learned APP has failed to file his say.

3. Heard argument, perused the record.

4. Considering the reasons mentioned in application supported by documents, it is evident that, the aforementioned mobile phone may be temporarily released in favor of the applicant, being rightful claimant for the same, since it is recovered at the instance of complaint lodged by him.

Hence, upon imposing certain conditions the said mobile may be released in favor of applicant. Hence, the following order :-

ORDER

- i) The seized Samsung company mobile phone, model No. C-9 be handed over to the applicant **Mihir Vyomeshchandra Baxi**, subject to furnishing Indemnity bond of ₹ 25,000/- (Rs. Twenty Five Thousand Only).
- ii) He shall produce the seized muddemal, whenever called by the Court or by the police.
- iii) Investigation Officer shall obtain photographs of seized mobile from all angles for its proper identification in future.
- iv) Copy to the concerned police station for compliance of this order.

Date : 18.09.2018
ssl.

(Sudhir N. Shinde)
Metropolitan Magistrate, 32nd Court,
Bandra, Mumbai.

**IN THE COURT OF METROPOLITAN MAGISTRATE,
32 ND COURT, BANDRA, MUMBAI**

C.C. No. 745/N/2018
C.R. No. 288/2018.
Nirmal Nagar Police Station.

... Applicant

Fayaz Samsuddin Shaikh

V/s.

**Sr. Inspector of Police,
(Nirmal Nagar Police Station)**

...Respondent.

**ORDER BELOW APPLICATION FOR RETURN OF PROPERTY VIZ.
MYA L 22 MOBILE PHONE VALUED RS. 5,000/- AND VIVO 1724
MOBILE VALUED RS. 15000/-**

By this application the applicant **Fayaz Samsuddin Shaikh**, is seeking return of MYA L 22 Mobile phone and VIVO 1724 Mobile as quoted in the application, being entitled for the same. It is further alleged that, both the mobiles were stolen from the shop-cum-residence where the complainant and his colleague were slept during the intervening night of 8.10.2018 and 09.10.2018. Therefore applicant lodged complaint with Nirmal Nagar police station and said mobiles are recovered by Nirmal Nagar police station. Seized property i.e. mobiles, if returned, will be produced whenever required till final disposal of case. The application is supported by documents such as copy of F.I.R. and affidavit. Witness Amin Salim has no objection if mobile MYA L 22 is returned to the applicant, he being informant in C.R. NO. 288/2018.

2. Accordingly say of investigating officer and learned APP were called. Investigating officer rendered his no objection to release the said mobiles in favour of applicant and witness- Amin Salim, whereas learned APP has failed to file his say.

3. Heard argument, perused the record.

4. Considering the reasons mentioned in application supported by documents, it is evident that, the aforementioned mobile phones may be temporarily released in favour of the applicant and witness- Amin Salim, being rightful claimant for the same, since it is recovered at the instance of complaint lodged by him. Hence, upon imposing certain conditions the said mobiles may be released in favor of applicant. Hence, the following order :-

ORDER

- i) The seized MYA L 22 Mobile phone and VIVO 1724 Mobile be handed over to the applicant **Fayaz Samsuddin Shaikh**, subject to furnishing Indemnity bond of ₹ 20,000/- (Rs. Twenty Thousand Only).
- ii) He shall produce the seized muddemal, whenever called by the Court or by the police.
- iii) Investigation Officer shall obtain photographs of seized mobile from all angles for its proper identification in future.
- iv) Copy to the concerned police station for compliance of this order.

Date : 20.10.2018
lsb/-

(Sudhir N. Shinde)
Metropolitan Magistrate, 32nd Court,
Bandra, Mumbai.