

ORDER BELOW EXH.1 IN
Cri.M.A. No.48/2024

1. This is an application under Section 457 of Criminal Procedure Code (henceforth Cr.P.C. for short) to release the property/muddemal i.e. one black colour mobile of Oppo company, Model F23 bearing IMEI No.868655062169695 on Supurtnama.
2. It is submitted by the present applicant Govind Sinh Shekhavat that, on 04/06/2023 in Train No.16507, bogie No.S1, at 1:40 hours his muddemal was stolen at Shivajinagar Railway Station. Accordingly, the applicant filed complaint about theft of his muddemal at Government Railway Police Station, Pune (henceforth G.R.P.S. for short). G.R.P.S., Pune has seized the said muddemal in Crime No.339/2023. He further submitted that, he is in need of the said muddemal for his daily use. He has filed the copy of affidavit. The said muddemal may be damaged, as the same is lying unused. He therefore, prayed for releasing it on Supurtnama.
3. Applicant has submitted on record his Aadhar Card, copy of purchase receipt of the said muddemal, F.I.R., and his affidavit.
4. Heard learned A.P.P. and Ld. advocate of the accused. Ld. A.P.P. submitted that, appropriate order may be passed in the interest of justice. On the other hand the Ld. Adv. prayed that, the said muddemal is owned by applicant and the same be returned. However, I.O. has not raised any objection to give the interim custody of said muddemal to the applicant on proper terms and conditions.
5. No other person except the present applicant has made an application for return of seized property. On perusal of F.I.R. it is clear that, the applicant is the informant in this case and he has filed copy of affidavit and copy of purchase receipt of said muddemal to show his

possession. No fruitful purpose would be served by keeping the said muddemal/property in the custody of G.R.P.S., Pune. Hence, I find no hesitation in giving the custody of the above said muddemal/property to the applicant on Supurtnama. Hence, I pass the following order -

ORDER

1. Application is allowed.
2. The property/muddemal i.e. one black colour mobile of Oppo company, Model F23 bearing IMEI No.868655062169695 be released on execution of Indemnity Bond of Rs.20,000/-.
3. The applicant is directed not to sell, mortgage, dispose, alienate or alter the nature of muddemal/property in any manner, without permission of the Court.
4. The applicant is directed to produce the said muddemal/property as and when required by the Court, without fail.
5. Before releasing the said muddemal/property, its photographs be taken from four sides and that be countersigned by the applicant, I.O. and panch witness, at the cost of the applicant.
6. Concern Clerk to issue letter to the Police Station on execution of indemnity bond for the applicant.

Pune.
Date :06/05/2024

Sd/-xx
(P.A. Waghmare)
Judicial Magistrate First Class,
Railway Court, Pune

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word for word as per Original Order.

Name of the Steno	:	Malesh Maroti Chintale (Stenographer Grade III)
Name of the Court	:	P.A. Waghmare Judicial Magistrate First Class Railway Court, Pune.
Date of Order	:	06/05/2024
Order Signed by P.O. on	:	06/05/2024
Order uploaded on	:	07/05/2024