

ORDER BLEOW EXH.01 IN NOTICE CASE No.860/N/2021

1. This is an application filed by applicant Suvarna Balkrishna Shivgan for getting the interim custody of seized one broken gold chain of 2.5 grams, one broken gold chain of 12 grams and one broken gold chain (Manivati) of 3.5 grams, which are seized in crime no. 33/2021 registered in police station Meghwadi for the offence punishable under Section 379 read with section 34 of the Indian Penal Code.
2. The applicant submitted that she is owner of seized pieces o gold chains. She is ready to abide by all the conditions which may be imposed by this court. Hence, interim custody of seized property be given to her.
3. I.O. filed his say and submitted that he has no objection to hand over the interim custody of seized gold items to the applicant. The learned APP also filed his say and submitted that necessary conditions may be imposed while allowing the application. I have gone through the record. The claim of the applicant is supported by the contents of F.I.R. lodged by her and her supplementary statement. The applicant is informant and victim of the crime. The prosecution has no objection to allow the application. The applicant is ready to abide by all the conditions which may be imposed by this court. Considering the nature of the offence, no purpose would be served by keeping the seized pieces of gold chain in police station. Therefore, it would be proper to handover the interim custody of the seized pieces of gold chain to the applicant by imposing necessary conditions. Hence, the order.

ORDER

1. The application is allowed.
2. Interim custody of seized one broken gold chain of 2.5 grams, one broken gold chain of 12 grams and one broken gold chain (manivati) of 3.5 grams be handed over to the applicant on execution of Supurtnama Bond of Rs.1,00,000/- (Rupees One Lakh only), subject to the condition that the applicant shall produce the seized gold items as and when directed by the court, till disposal of the case.
3. I. O. is directed to prepare detail panchnama of seized gold items and obtain the photograph of the seized gold items before handing-over the same to the applicant and submit the same with the charge-sheet.
4. I. O. is directed to obtain the certificate from reputed goldsmith regarding the weight and value of the seized gold items before giving its custody to the applicant and filed it with the charge-sheet.
5. Inform to police station Meghwadi accordingly.

Date : 24/08/2021

(Imran R. Marchiya)
Metropolitan Magistrate,
Railway Mobile Court,
Andheri, Mumbai.