

ORDER BELOW APPLICATION FOR RETURN OF PROPERTY

1] This is an application filed by the applicant for return of property namely Samsung Galaxy J7 Max-Gold mobile valued at Rs.15,000/- seized in C.R. No.244/2018 registered under section 379 of the Indian Penal Code by Shahu Nagar Police Station.

2] On the application say of Investigating Officer was called. The Investigating Officer has filed say wherein no objection to handover custody of seized property to the applicant on certain terms and conditions is conveyed.

3] In support of application the applicant has filed on record his own "Affidavit" and submitted that he is owner of the said mobile and he is ready to abide every condition imposed by this court. The Applicant has filed on record xerox copy of F.I.R. dated 10/08/2018 which shows him to be the original informant on whose report crime is registered. He has annexed xerox copy of purchase receipt of the said mobile. Also, he has filed verified copy of driving license, PAN card and xerox copy of Aadhaar Card as proving of identify and address.

4] At this stage except the applicant there is no other claimant who has claimed the custody of seized article. The seized article i.e. mobile is electronic equipment and it may get damaged permanently, if remained with police station for long period. No purpose is likely to be served by keeping the said mobile at police station till the conclusion of trial. If seized article is handed over to the applicant on bond by way of interim custody no serious prejudice or harm would be caused to the accused and prosecution. Hence, application deserves to be allowed on certain terms and conditions. Therefore, I pass the following order:

ORDER

1] The application is allowed.

2] The seized article namely Samsung Galaxy J7 Max-Gold mobile valued at Rs.15,000/- seized in C.R. No.244/2018 by Shahu Nagar Police Station be returned to the Applicant Mr. Rajendra Paramnath Sharma residing at C Ward, Azad Nagar, R.P.F. Ganpati Mandir, Matunga E, Mumbai-19 on executing indemnity bond of Rs.15,000/- (Rupees Fifteen Thousands only) with condition that -

- a) The applicant shall not to sell, transfer, alienate, dispose off or handover the said seized mobile to third person before the conclusion of trial.
- b) The applicant shall produce the said mobile as and when directed by the Court in the trial or by Investigating Officer in the course of investigation.
- c) The applicant shall follow the conditions imposed on him scrupulously.

3] The Investigating Officer is directed to take the above indemnity bond of the applicant and shall return the muddemal on due verification of applicant. Investigating Officer further directed to file indemnity bond in the Court. On filing of indemnity bond, it be attached with the charge-sheet.

Order accordingly.

Sd/-

Mumbai
Date: 10/10/2018

(S. R. Sharma)
Metropolitan Magistrate
12th Court, Bandra, Mumbai.