

**Order below application for return of property**

1. On going through record, it appears that, Khar Police Station has seized 265 grams gold biscuits totally valued Rs.8,21,000/- in crime no.205/2018. Present applicant has claimed that, he is the owner of the property as well as first informant. In support of his claim, applicant has filed his Affidavit, Copy of FIR and Gold Bill Records.

2. On this application say of Ld.APP, accused and I.O. was called. APP raised the objection on the ground that, offence is serious in nature. I.O. has submitted that, police have recovered 265 grams gold ingot (lagad) out of 907.430 grams gold ingot and he has no objection to return the property to applicant. Accused found not traceable, therefore his say not come on record.

3. I have perused the originals. FIR discloses that, gold ingot weighing 907.430 grams was misappropriated by accused and as per say of prosecution 265 grams gold ingot recovered in crime. Applicant has filed purchase bills of gold ingot and thereby proved his prima facie ownership of seized property. No other claimant come forward till today to claim seized property. Therefore, applicant being owner and first informant, is entitled to take custody of property in question. On the other hand, the property i.e. ingot is lying in the police station in ideal condition. There is no harm to the prosecution, if the application is allowed on stringent condition. With this, I proceed to pass following order :-

ORDER

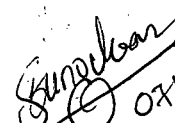
The Inspector of Khar Police Station, if in possession of the 265 grams gold ingot (lagad) mentioned in the application and say of I.O., shall hand over the same to the present applicant.

Before that the applicant to furnish Indemnity Bond on non-judicial stamp paper of Rs.200/- for Rs.9,00,000/- (Rupees Nine Lakhs Only) undertaking to the effect that,

(a) he will not alienate, destroy, give on rent or part with the possession of the above property,

(b) he will produce the property before the Police Station or the Court as directed by this Court.

(c) That the applicant to furnish photograph of the gold ingot to the police station, which later-on to be filed alongwith the final report in the Court by the police.

  
(S. K. MUNGILWAR)

Addl. Chief Metropolitan Magistrate,  
9<sup>th</sup> Court, Bandra, Mumbai

Dt.07/09/2018