

**IN THE COURT OF 2nd ADDITIONAL SESSIONS JUDGE
& SPECIAL JUDGE (POCSO), AT GANDHINAGAR**

Exh. 13

CRIMINAL MISC. APPLICATION NO. 1459 OF 2025

Applicant:-

1. Chauhan Gunvantsinh Chatrasinh
Age:- 34 Yrs., Occupation:- Agriculture,
Residing at 295, Bhagor Vas,
Amrajina Muvada, Ta. Dehgam,
Dist. Gandhinagar.

Vs.

Opponents:-

1. The State of Gujarat
Through O/o Dist. Govt. Pleader,
District Court, Gandhinagar.

Subject:- Application for custody of muddamal under Section 497 of The Bharatiya Nagarik Suraksha Sanhita, 2023.

Appearance:

Mr. S.H.Malek, Learned advocate for the applicant.

Mr. H.N.Raval, Learned D.G.P. for the opponent No. 1-
State.

J U D G E M E N T

1. The applicant has filed this application for getting interim custody of muddamal Gold Ornament Set

weighing 23.200 grams and Gold Ornament earrings(Jhumkas) weighing 8.970 grams and cash of Rs. 1,00,000/- which the Dehgam police has taken custody in connection with Ist C.R.No. 11216005250017 of 2025 registered with Dehgam Police Station, Dist. Gandhinagar for the offences punishable under Section 137(2), 87, 64(2)(m) and 54 of The Bharatiya Nyaya Sanhita, 2023, under Section 4, 5(l), 6, 8 and 17 of The Protection Of Children from Sexual Offences Act, 2012 and under Section 3(2)(5) of The Atrocity Act.

2. On service of notice, the learned D.G.P. Mr. H.N.Raval appeared for the opponent State and the IO has submitted report vide Exh. 5.
3. Heard learned advocate for the respective parties. It transpires that in the said offence, the Special Case (POCSO) No. 9/2025 is pending before this Court. The IO has submitted his report vide Exh. 5 stating that if the interim custody of the valuable muddamal article Nos. 1 to 3 is given to applicant then the investigating agency have no objection. It transpires from the papers produced that the said valuable muddamal article Nos. 1 to 3 were taken by the victim while leaving her home and she forgot the same at the place of accused and the parents of accused surrendered the same before the police as per the panchnama prepared by the police. It transpires that the accused have submitted their pursis

vide Exh. 6 stating that police have not seized any such valuable muddamal from their custody and they does not own it. The father of the victim has filed pursis vide Exh. 9 stating that he has no objection if the said muddamal is handed over to the present applicant. The victim has filed pursis vide Exh. 8 stating that she has no objection if the said muddamal is handed over to the present applicant. The applicant has produced the bills of gold ornaments gold set and gold earrings(Jhumkas) vide Mark 3/4. It appears from the papers produced that the gold set weighs 23.200 mgs. worth Rs. 54,000/- and the gold earrings weighs 8.97 mgs. and along with the thread it weighs 27.600 mgs. worth Rs. 1,41,000/- and cash currency of Rs. 500/- notes total 200 nos. total amounting to Rs. 1,00,000/-. Therefore, considering the above facts and circumstances, the valuable muddamal article Nos. 1 to 3 seized by the police in Special (POCSO) Case No. 9/2025 is owned by the present applicant and therefore, I am of the view that the application is required to be allowed. Hence, following order is passed:

:: ORDER ::

1. The present application is hereby allowed.
2. The concerned Investigating Officer, Dehgam Police Station, Dist. Gandhinagar is hereby directed to handover the possession of the valuable muddamal Article Nos. 1 to 3 seized by the police in Special (POCSO) Case No. 9/2025 to the applicant, after due verification under Section 497, of The Bharatiya Nagarik

Suraksha Sanhita, 2023 on following terms and conditions:-

- (a) The applicant shall furnish a personal bond as well as surety to the tune of **1.5 times** of the muddamal value shown in muddamal pavti before the concerned Investigation Officer and on furnishing surety, the custody of the said valuable muddamal be handed over to the applicant.
 - (b) The concerned Investigating Officer is directed to prepare detailed panchnama and take photographs, of said valuable muddamal Article Nos. 1 to 3, if not already done, for the purpose of trial and such photographs taken by the IO shall be counter signed by the applicant, if not already done.
 - (c) The possession of the said valuable muddamal article Nos. 1 to 3 shall be given to the applicant on the condition that as and when the applicant is asked, he shall produce the said muddamal before the Court.
3. Necessary yadi be sent to all the concerned.

Signed and pronounced in the open Court on this 25th day of March, 2026.

Dated: 25/03/2026

Place:-Gandhinagar

[Sanjivkamal V.Sharma]
GJ00536

2nd Additional Sessions Judge &
Special Judge (POCSO)
Gandhinagar

//S.A.//