

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

Exh. 17

CRIMINAL MISC. APPLICATION NO. 1668 OF 2025

Applicant:-

1. Dhanrajbhai Bhikhabhai Soni
Age:- 66 Yrs., Occupation:- Business,
Residing at House No. 17,
Siddheshwari Soc., Pethapur,
Ta. Dist. Gandhinagar.

Vs.

Opponents:-

1. The State of Gujarat
Through O/o Dist. Govt. Pleader,
District Court, Gandhinagar.
2. Mehulbhai Baldevbhai Chavda
Age:- 45 Yrs., Occupation:- Driving,
3. Renukaben Mehulkumar Chavda
Age:- Adult, Occupation:- Household,
4. Victim
Nos. 2 to 4 are
residing at Sector-5/A, Gandhinagar.
5. Pruthvi Vasantbhai Movadiya
Age:- 19 Yrs.,
Residing at 17 Mulchand Park Soc.,
Pethapur, Dist. Gandhinagar.

Subject:- Application for custody of muddamal under Section 498 of The Bharatiya Nagarik Suraksha Sanhita, 2023.

Appearance:

Mr. R.K.Soni, Learned advocate for the applicant.
Mr. H.N.Raval, Learned D.G.P. for the opponent No. 1-
State.
Mr. J.G.Panchal, Learned advocate for the opponent No. 5.

J U D G E M E N T

1. The applicant has filed this application for getting custody of muddamal Gold Bar(Ranni) which the Sector-21 police has taken custody in connection with Ist C.R.No. 11216007240452 of 2024 registered with Sector-21 Police Station for the offences punishable under Section 137(2), 87, 61(2)(a), 64(2)(m) and 65(1) of The Bharatiya Nyaya Sanhita, 2023, under Section 4, 6 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 submitted report vide Exh. 10.
3. Heard learned advocate for the respective parties. It transpires that in the said offence, the Special Case (POCSO) No. 64/2024 with 68/2024 is finally decided by the then learned POCSO Judge, Gandhinagar on 25.02.2025 wherein all the accused are acquitted by the Court. It is further ordered in the operative part of the

judgement vide point “(e)valuable objects be handed over after expiry of appeal period to the real owner of valuable objects after due verification”. The learned advocate for the applicant has submitted that in the alleged offence as per the instructions of police the applicant surrendered the valuable muddamal article No. 1 i.e. Gold Bar weighing 50.210 grams in the alleged offence. It is submitted that the present applicant has made no transactions with any of the parties in the Special Case (POCSO) No. 64/2024 and 68/2024 and has not purchased any gold from any of the parties in the said case in return of money. It is submitted that as the sessions case has been finally decided and the accused are acquitted, the valuable muddamal article No. 1 be returned to the applicant. It is submitted that the opponents and accused have submitted their no objection in releasing the valuable muddamal to the applicant. Further, the appeal period is over and no appeal is preferred by the prosecution. Thus, it is urged to allow this application and the applicant be handed over the custody of valuable muddamal article No. 1.

4. It transpires that the Special Case (POCSO) No. 64/2024 and 68/2024 has been finally decided by the Court and the accused are acquitted by the Court on 25.02.2025. The learned D.G.P. Mr. Raval has submitted report vide Exh. 10 stating that the

prosecution has not considered the case for appeal. Moreover, the opponent Nos. 2 to 4 have filed their no objection pursis vide Exh. 9 and the opponent No. 5 has filed his no objection pursis vide Exh. 8. Further, the accused have filed their no objection pursis vide Exh. 15 and Exh. 16. It appears from Exh. 6 panchnama drawn in the said offence that present applicant has surrendered the said valuable muddamal one gold bar weighing 50.210 grams. Therefore, considering the above facts and circumstances, the muddamal article 1 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, Sector-21 Police Station, Gandhinagar is hereby directed to handover the possession of the valuable muddamal 1(One)-Gold Bar weighing 50.210 grams to the applicant after his due verification under Section 498, of The Bharatiya Nagarik Suraksha Sanhita, 2023.
3. The applicant shall furnish a personal bond as well as surety to the tune of *two times* of the muddamal value shown in muddamal pavti before the concerned Investigation Officer and on furnishing surety, the custody of the said

muddamal Gold Bar shall be handed over to the applicant.

4. 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

[Sanjivkamal V.Sharma]
GJ00536

Place:-Gandhinagar

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

//S.A.//

