

**IN THE COURT OF 3RD ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, JAMNAGAR**

APPLICANT / ACCUSED : **Karan Bipinbhai Parekh**

Order Below Muddamal Application u/Sec. 497 of B.N.S.S.

Order for Handing over the Interim Custody - Possession of the Muddamal, in FIR No. 11202009261191/2026, in City 'B' Division Police Station, Jamnagar; Offence: u/Sec. 12 of Gambling Act.

1. Read the Application and the notion of the Police, Panchnama and Muddamal Receipt. Heard learned Advocate for the Applicant and learned APP. This application is filed to get the possession of the seized Mobile i.e. Vivo Y73 (V2059), bearing IMEI No. 869175056062490 & 869175050662482.
2. The learned A.P.P. has objected to allow this Muddamal application in apprehension of same kind of crime occurrence and hence, he is of the view that the possession of the Mobile should not be handed over.
3. Looking at the Muddamal Receipt and Muddamal Panchnama, it appears from the record that the said Muddamal was seized from the Accused / Applicant. The notion of the police is in adversary but looking at the Registration Invoice of the Muddamal and Affidavit of the

applicant it seems justifiable.

4. Considering the photocopy of the Registration Certificate of the Invoice of the Mobile, it is seen that the Mobile is in the name of the Applicant. He has filed this application to get the possession of the said Muddamal. If the Mobile has not been released it may turn into scrap and considering the need of the said Muddamal in the daily life of the Applicant. Considering the Provisions provided in Section 497 of the B.N.S.S., and referring to the Judgment of the Hon'ble Apex Court in the case of *Sunderbhai Ambalal Desai Vs. State of Gujarat*, as reported in *2003 AIR SC 638*, the present application deserves to be allowed with conditions. Therefore, I pass the following order.

-:: O R D E R ::-

1. The present Muddamal Application is hereby allowed.
2. This Court is granting the interim custody (temporary possession) of the seized Mobile i.e. Vivo Y73 (V2059), bearing IMEI No. 869175056062490 & 869175050662482 which was seized in FIR No. 11202009261191/2026 (for Offence: under Section 12 of Gambling Act, in City 'B' Division Police Station, Jamnagar to the present Applicant/Accused **Karan Bipinbhai Parekh**, on furnishing the bond and surety of 1.5 times of the amount of the Muddamal.

--: CONDITIONS :-

1. The said Mobile Phone case file shall be produced whenever and wherever the trial Court so requests.
2. The aforementioned Mobile Phone should not be mortgaged, gifted sold or transferred.
3. The aforementioned Mobile Phone should not be used or used for any criminal activity.
4. No changes that would alter the identity of the Mobile Phone in question should be made or caused without the permission of the trial Court.
5. At the applicant's own expenses, photographs should be taken of the Mobile in question in the presence of two panchs, a panchnama should be prepared and the Mobile should be returned to the applicant. These, photographs should be kept in the case record.
6. The applicant and the guarantor will have to submit documentary evidence of their residence at the time of submitting the bail and will have to disclose their Mobile number with the applicant.
7. If, in future, any person raises a claim over the Muddamal and is found to be the rightful claimant, the applicant shall be liable to pay such amount as may be directed by this Court, or an amount equivalent to one and a half times the

value of the Muddamal, and the applicant shall furnish an undertaking to that effect.

Necessary Yadi to be sent to the concerned Police Station.

Pronounced in open Court on this 18th day of June, 2026.

Date : 18/06/2026

Place: Jamnagar

[S. I. Patel]

3rd Addl. Chief Judicial Magistrate,
Jamnagar.

Code No. GJ01096