

Order Below Exh.60

(Application for return of Mobile)

1. Present application is given by **Pradipsinh Kalyansinh Rathod, Police Sub-Inspector, Jhagadiya, GIDC Police Station, Bharuch (Mo. No.9173992333** also Mobile No.9879530733 as mentioned in application at Exh.59) for return of his mobile which he has noted as “Pro Max-I-Phone-15”. This application was given at about 06:00 PM. But the applicant has himself noted in the application that it is given at 06:10 PM on 28.04.2025.
2. Prior to Exh.60, at Exh.59, another application was given at about 04:55 PM on 28.04.2025 only. It was given for “SIM” only and applicant insisted to take back SIM only. He refused to accept entire mobile set. Therefore, detailed order was passed on it.
3. On 28.04.2025, series of incidents took place in respect of mobile of the applicant and his misconduct as well as criminal act, in the Court room of the undersigned Court. And with no option left, Court had to send O.W.Nos.361/2025 of dtd.28.04.2025, 364/2025 of dtd.29.04.2025, 365/2025 of dtd.29.04.2025, 366/2025 of dtd.29.04.2025 and 367/2025 of dtd.29.04.2025 of Principal Senior Civil Court, Padra to different Authorities. **The said letters, with ANNEXURES, are also taken into serious consideration.**
4. Today, neither applicant nor his advocate nor his any representative is present. In spite of that, as the case was kept for order on Exh.60, order is required to be passed today in special circumstances of this application. The issue has become so serious and it is made serious by the applicant that with certain sure and specific conditions, order is required to be passed. **It is pertinent to note that applicant has asked “Pro Max-I-Phone-15”.** This information was not mentioned in Exh.59 application. Its monetary value may be approximately above Rs.1,00,000/-. Hence, it is very costly for any Court Official. Mobile is kept in Nazir custody as Valuable Muddamal Article No.8, without mentioning any of its property specification details **because**

applicant had been reluctant to provide the informations and neither he was ready to accept the entire mobile set except the “SIM”.

- 4.1. Therefore, at this stage, **it is not confirmed whether the mobile kept in Nazir custody as Valuable Muddamal Article No.8 is “Pro Max-I-Phone-15” or not.** No doubt that it is kept in sealed position and the receipt kept with the mobile set bears the signature of undersigned Presiding Officer, Nazir of the Court and applicant who is Police Sub-Inspector by post. **But looking to applicant’s behaviour, he can not be trusted any how.** He may make serious false allegations against any Court Official including the undersigned. As it can not be decided at this stage that which mobile is in safe custody, justifiable order is required to be passed to avoid any inconveniency on the part of any of the parties.
5. In view of the above conflicting and serious condition, following order is passed in respect of Exh.60;

ORDER

1. Application is partly allowed with certain conditions.
2. Whichever mobile is kept in Nazir custody as Valuable Muddamal Article No.8 shall be returned to the applicant with following conditions;
 - a) Applicant shall produce original bill of the mobile.
 - b) Prior to opening the sealed mobile, a letter from this Court shall be sent to the Police Inspector, Padra to identify a professional videographer of Taluka-Padra or its nearby surrounding area. Police Inspector, Padra shall send details of name of the videographer and fees of **videography with audiography**, in writing to this Court.
 - c) Fees shall be intimated to the applicant through written letter by the Court Nazir.
 - d) The applicant shall deposit such fees within 5 days of receipt of such written letter, in the Court by Chalan. The amount shall be paid to the

videographer after receiving cassette/any suitable electronic device which Court considers convenient. It shall be with legal necessities.

- e) At the time of videography, Presiding Officer, Registrar and Nazir of Principal Senior Civil Court, Padra and Police Inspector, Padra and also the applicant Pradipsinh Kalyansinh Rathod shall be present. In their presence, videography shall be conducted. And if during videography, applicant willfully consents that the mobile is the same mobile which was submitted to the Court by him and also that the mobile has not been tampered with, mobile shall be returned to him subject to following further conditions;

e-1) Applicant shall submit such certificate with property specifications of the mobile in writing.

e-2) The receipt shall be on affidavit before any Authority of applicant's choice. Such Authority should be authorized for affidavit.

- f) The entire process from gathering to open the seal and handing over the mobile to the applicant, shall be videographed and the videography includes audiography. The Cassette or any suitable electronic device which Court considers convenient shall be kept in Nazir custody for future.

3. O.W.Nos.361/2025 of dtd.28.04.2025, 364/2025 of dtd.29.04.2025, 365/2025 of dtd.29.04.2025, 366/2025 of dtd.29.04.2025 and 367/2025 of dtd.29.04.2025 of Principal Senior Civil Court, Padra with their ANNEXURES shall be read as part of this order.
4. This order shall be uploaded on CIS Module.

Pronounced and signed in open Court today on April 30th, 2025.

Date: 30.04.2025

(Dr. Manjudevi Shardaprasad Pande)
Additional Chief Judicial Magistrate
Padra, Vadodara
Code No. GJ:00860