

IN THE COURT OF METROPOLITAN MAGISTRATE,
28TH COURT, ESPLANADE, MUMBAI

C. C. No. 2801006/MISC/2021 (C.R.No.91/2021)

Order Below Application for Return of Mobile

1. This is an application filed by the applicant/accused for releasing of Oppo F17 Pro Mobile (IMEI No. 863903052812691) valued Rs. 22990/- on supurtnama. It is submitted that the applicant/accused is the owner of above mobile which is seized by L.T.Marg police station in present crime.

2. The say of I.O. and Ld. APP was called. I.O. submitted his say that he has seized Oppo F17 Pro mobile handset in the personal search of accused, hence he has no objection to handover the custody of said seized mobile to the applicant/accused on conditions. Ld. APP has objected the application on the ground that the seized mobile handset is important part of evidence and required at the time of trial.

3. Perused the application, say, record and heard both side. The applicant/accused submitted copy of tax-invoice in respect of seized Oppo F17 Pro mobile. It is seen from the document that the applicant/accused is the registered owner of the seized mobile. No other claimant came forward till this date. Considering the above aspect, I am of the view that the applicant/accused is entitled for interim custody of seized mobile on supurtnama. Hence, order:

ORDER

1. The seized Oppo F17 Pro Mobile (IMEI No. 863903052812691) valued Rs. 22990/- be released in favour of the applicant/accused Himmatlal Patel on executing supurtnama indemnity bond of Rs.30,000/- (Rs. Thirty Thousand only) before court on the following conditions namely:
 - a) He shall not alienate, transfer, gift, sale the said seized mobile.
 - b) He shall produce the said mobile before the court as and when required.

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2. Investigating officer is directed to take 2 appropriate colour photographs of the mobile and to prepare panchanama of handing over the mobile phone and further directed to produce the panchnama and photographs alongwith charge-sheet.

Sd/-

(Yashshree Marulkar)

**Metropolitan Magistrate,
28th Court, Esplanade, Mumbai**

Mumbai

Date : 21/08/2021