

ORDER BELOW EXH. 01 IN NOTICE CASE No. 1128/N/2022

1. This is an application filed by applicant Mohammed Mustafa Imran Shaikh @ Mohammed Imran Shaikh for getting the interim custody of seized gold earring, one pair silver Payal, Titan Watch and cash of Rs. 1,06,500/-, which are seized in crime no. 608/2022 registered in police station Oshiwara for the offences punishable under Sections 457 and 380 of the Indian Penal Code.
2. The applicant submitted that he is informant of the crime. Seized ornaments and cash amount were stolen from his house. He is entitled to get the custody of seized ornaments and cash amount. He is ready to abide by all the conditions which may be imposed by this court. Hence, interim custody of seized ornaments and cash amount be given to him.
3. I.O. filed his say and submitted that during investigation he has seized said ornaments and cash amount at the instance of accused of the crime. I.O submitted his no objection to allow the application. The learned APP also filed his say and opposed the application. I have gone through the record. The claim of the applicant is supported by the contents of F.I.R. lodged by him. I have considered the submissions of learned advocate of the applicant. The applicant is informant and victim of the crime. The applicant is ready to abide by all the conditions which may be imposed by this court. Considering the nature of the offence and say of prosecution, no purpose would be served by keeping the seized ornaments and cash amount in police station. Therefore, it would be proper to handover the interim custody of the seized ornaments and cash amount to the applicant by imposing necessary conditions. Hence, the order.

ORDER

1. The application is allowed.
2. Interim custody of seized gold earring, one pair silver Payal, Titan Watch and cash of Rs. 1,06,500/- be handed-over to the applicant on execution of Supurtnama Bond of Rs.1,50,000/- (Rupees One Lac Fifty Thousand only), subject to the condition that the applicant shall produce the seized ornaments as and when directed by the court and the applicant shall deposit the cash amount of Rs.1,06,500/-in the court if at any time directed by this court or any superior court, till disposal of the case.
3. I. O. is directed to prepare detail panchnama of seized ornaments and cash amount and obtain the photograph of the seized ornaments and cash amount before handing-over the same to the applicant and submit the same with the charge-sheet.
4. I. O. is directed to obtain the certificate from reputed goldsmith regarding the weight and value of the seized ornaments before giving its custody to the applicant and filed it in the charge-sheet.
5. Inform to police station Oshiwara accordingly.

Date : 07/06/2022

(Nilesh V. Bansal)
Metropolitan Magistrate,
Railway Mobile Court,
Andheri, Mumbai.