

19.11.2015.

ORDER ON APPLICATION UNDER SECTION 451 R/w 457 OF Cr.P.C.

The application filed by the applicant by name Smt. Suneetha Sangamesh Tenginkai with a prayer to order for the release of the Sony Company Laptop No.275234847008219PCG71211W, belonging to her seized by the Sub urban police, Dharwad.

2. The applicant is the owner of the Sony Company Laptop No.275234847008219PCG71211W. The said Laptop is not required by the I.O as the investigation is almost completed. The said Laptop is required for the day to day use of the applicant. If the same is kept idle, its parts will be damaged and rusted due to non-using the article. Accordingly, prayed to allow the application.

3. On the other hand learned APP opposed the application by way of filing objection.

4. Heard the argument on both the sides and perused the materials available on record. Then the following points arise for consideration of this Court:

1. Whether the application filed on behalf of the applicant deserves to be allowed?
2. What Order?
5. My answer to the above points are as under:-
Point No.1 : In the Affirmative
Point No.2 : As per final order for the following

REASONS

6. POINT NO.1 : The applicant present before this court seeking to release his Laptop which has been seized by the sub urban police Dharwad in sub-Urban P.S. Cr.No.61/2015. The applicant has produced the Invoice letter which shows that, she is the owner of the said Laptop No.275234847008219PCG71211W. The prosecution has not disputed this fact. In such an event if the laptop is kept ideal, its parts will be damaged and rusted due to non-using the article. Moreover the applicant has under taken to abide by the terms and conditions to be imposed by the Court. Hence if the said laptop is not released to her custody, it would result in great loss to the applicant. Hence, the present application filed on behalf of the applicant deserves to be allowed. Accordingly, I answer point No. 1 in the affirmative.

7. POINT NO.2 :- In view of my finding on point No.1, I proceed to pass the following:-

ORDER

The application filed by the applicant U/Sec. 451 R/w Sec. 457 of Cr.P.C is hereby allowed, subject to the following conditions:-

1. The applicant shall execute the indemnity bond for a sum of Rs.30,000/- along with surety for like sum.
2. The applicant shall produce the Laptop as and when directed to do so by this court.
3. I.O. Shall take photographs of the seized Laptop from all the 4 directions and produce the same before the court.

For furnishing surety and indemnity bond. Call on 20.11.2015.

Prl. Civil Judge & Prl. JMFC,

Surety by name Sujatha W/o Shashidahr Hubli, Age: 62 years, Occ: Retd. Govt. Servant, R/o: Siddhartha colony, Belgaum Road, Dharwad, is present filed her surety affidavit. Furnished record of right of her land survey No.11K of Gulaganjikoppa, and Xerox copy of Adhar card and also produced Indemnity bond of Rs.30,000/-. Perused and satisfied. Her Surety ship is accepted.

Office to take bond and issue release intimation.

For HBC call on 4.12.2015.

Prl. Civil Judge & Prl. JMFC,
Dharwad

