

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
3rd COURT, CHIKHLOLI-AMBERNATH, DISTRICT - THANE

MH320028602025



Shubhada Vikas Joshi

Vs.

Badlapur (East) Police Station.

ORDER BELOW EXH. 1 IN NEW O.M.A. NO. 469/2025
OLD O.M.A. No. 302/2025

By this application informant is praying to get back the custody of seized golden four Coins of each 1 gram worth of Rs.32,000/- and Two Vali of each 1 gram worth of Rs.16,000/- seized in Crime No. 307/2024 of Badlapur (E) Police Station.

2. Applicant submitted that, above golden ornaments are concerned with the crime No.307/2024. Applicant is a real owner of above said golden ornaments. Applicant has also filed purchase receipt in respect of ownership of above golden ornaments and affidavit along with exh.5.

3. Perused the say of learned APP. Ld. App submitted that, applicant has not produced to any invoices or bills of the seller. I.O. has prepared memorandum panchnama at the time of recovery of ornaments from accused. It is important evidence during the trial. There may be possibility that applicant will not produced the muddemal before the court whenever required. Hence, may kindly reject the application.

4. The investigation officer submitted that applicant has lodged FIR in respect of theft above muddemal. During the investigation, said muddemal has been recovered from the accused in C.R.No. 307/2024. He has no objection. Hence, prayed that may kindly pass appropriate order in respect of muddemal after verification of necessary documents in respect of ownership.

5. The application is supported with the affidavit of the informant. The informant has filed copy of purchase receipt of the gold ornaments and adhaar card of applicant. I have also perused the copy of FIR, say of I.O, Copy of purchase receipt. It appears that informant is the owner of the aforesaid ornaments. Above said ornaments are recovered by investigation officer during the investigation in respect of crime. Therefore, applicant is entitled to the custody thereof as the ornaments are lying in the police station without any security.

6. In the case **Sundarbai Ambalal Desai Vs. State of Gujrat AIR 2003 SC 638** the Hon'ble Supreme Court has given specific direction in para no.12 of the judgment for return of valuable article to rightful owner during the pendency of criminal case. It is relevant to the quote para 12 as follows; " for this purpose if material on record indicates that, such article belong to the complainant at whose house theft, robbery or dacoity has been taken place, then seized article handed over the complainant after preparing detail panchanama of such articles, I) taking photographs of such articles and a bond that such article would be produced if require at the time of trial and after taking proper security.

7. Considering this ratio of judgment, the seized ornaments are needs to be handed over to its owner. Accordingly, being the owner, the applicant is entitled for temporary possession of seized ornaments till conclusion of the trial. As case is yet to be concluded certain other conditions need to be imposed. In the result, I pass following order.

ORDER

01.	Application is partly allowed.
02.	The Police Station, Badlapur (East) is hereby directed to deliver the seized golden four Coins of each 1 gram worth of Rs.32,000/- and Two Vali of each 1 gram worth of Rs.16,000/- seized in Crime No.307/2024 of Badlapur (E) registered under Sec.454, 457, 380 of IPC after the verification of necessary documents.
03.	The applicant is directed to furnish indemnity bond of ₹50,000/- before this Hon'ble Court.
04.	The applicant is directed not to sell, transfer or change the nature of above said golden ornaments till the disposal of case.
05.	The applicant is directed to produce the golden ornaments in the court as and when directed by the court.
06.	The applicant is directed to submit photographs of every article of golden ornaments at his cost with the investigating officer in order to mentioned in the charge-sheet.
07.	The applicant shall not use or allow any other to use the

	golden ornaments in similar or any other offence.
08.	Issue release letter accordingly.

Chikhloli-Ambernath
Date- 17.07.2026

(D. V. Gaikwad)
Judicial Magistrate, First Class
Court No.3, Chikhloli-Ambernath