


MHAH030110162024 	<u>RCC NO.1172/2024</u> <u>The State of Maharashtra</u> <u>Vs.</u> <u>Tanjil Gaffar Khan</u>
---	---

ORDER BELOW EXH.11

This is an application preferred by the applicant under Section 451 of the Code of Criminal Procedure for return of mini ganthan which is alleged to be seized by Investigating officer during investigation in Cr.No.538/2024 registered with Tophkhana Police Station, Ahmednagar.

2. It is the contention of the applicant that on 28/04/2024 at about 8.27 a.m. one motorcyclist snatched her golden mangalsutra. Hence, she has lodged report with Tophkhana Police Station, Ahmednagar. Police have recovered said ornament and it is lying there. The ornament is an article of her daily utility. It is pending idle with the police station. She is the owner of the same. Hence, it be given in her custody. She will abide each and every condition of the Court. Hence prayed to allowed the application.

3. Call the say of the learned APP and accused. The learned APP filed say and submitted that there is difference in the weight of seized article. In panchanama it is shown 10gm. while in application it is mentioned 16gm. Therefore, it will be impossible to deliver 16gm ganthan. Hence, prayed to reject the application.

4. Time to time notices were issued to the accused to call his say on said application. From 08/05/2025 but till 06/12/2025 the notice could not be served upon him. Hence, the application proceeded with say of the accused.

5. Heard the learned APP. She argued as per say. The learned counsel for the applicant argued that the applicant is owner of the property. She has filed report against the accused. Accordingly, the

recovery came to be made. She has copy of invoice of the ornament. Therefore, she is rightful claimant of the property. The accused or anyone else did not appeared before the Court to claim over the property. Hence, she prayed to allow the application on necessary condition.

6. On perusal of the record it appears that the applicant Lata @ Manda Machhindra Shekade is the informant. The FIR bears her name. Accordingly, the property came to be seized from the possession of accused. An opportunity was given to the accused to file his say on this application but he failed to avail the same. From the invoice filed along with the application it appears that the applicant had purchased the ornament. She has filed present application along with affidavit. Her identity is verified from her addhar card.

7. Considering the report and evidence of applicant along with the fact of seizure of ganthan, the applicant is entitled for interim custody of the property. Hence, I pass the following order.

ORDER

1. The application is allowed on the following terms and conditions-

- a) The broken mini ganthan of 10 Gram be returned to applicant on his executing bond of Rs.1,50,000/-.
- b) The applicant shall not make any alteration / change in the nature of the said property.
- c) She shall produce the said property before the Court, as and when directed by the Court.
- d) She shall not sell, transfer, mortgage or dispose of the property in whatsoever manner, till disposal of the case.

2. Issue yadi accordingly.

Date:-22/12/2025.

(L. S. Padhen)
Chief Judicial Magistrate
Ahmednagar.