

MHAH060001692026

**ORDER BELOW EXH.1****(Passed on 17.03.2026)**

Present application is filed by applicant namely Imran Hasan Shaikh, for claiming the custody of Mobile i.e. VIVO V29E (8 + 128) Mobile bearing IMEI No.866807068793992 and 866807068793984. **[Hereinafter it is referred as “a seized property”]**.

2. As per applicant, in crime No.1111/2025 of the City Police Station, Tal. Shrirampur, Dist.Ahmednagar has seized the property under Section 305, 331(4) of Bharatiya Nyay Sanhita, 2023. According to the applicant, he is owner and possessor of the seized property. Applicant has dire necessity of seized property. The seized property is kept in dump condition in police station premises. It will be damaged and become useless. Hence prayed to hand over the seized property to him.

3. Learned A.P.P objected the said application by contending that, if the seized property is released, then there is possibility of alteration and modification of the seized property. Accordingly, he prayed for rejection of the application. Investigation Officer has prayed for passing appropriate order.

4. To substantiate the contentions raised in the application, applicant has filed his affidavit. He also filed on record the photostat copy of Mobile bill, copy of FIR, copy of remand report, copy of Adharcard.

5. As per direction of Hon'ble Supreme Court in **Sundarbhai Ambalal Desai V. State of Gujrat (2002) 10 Supreme Court Cases 283**, if the applicant is owner of seized property in question. Except him no one claiming the custody. Then the property should be released. As far as objection of Learned APP is concerned, it can be ruled out by imposing proper condition.

6. Applicant has already shown his entitlement over the seized property. No purpose is served in keeping the seized property in police station. Approximate total value of seized property is 12,000/- and if it is lying in such condition, then possibility of the damage to the seized property cannot be ruled out. Moreover, the trial of the said offence would not be concluded in near future. Considering the nature of the seized property, its protection, guarding and safe custody is not reasonably practicable. Looking into the nature of the seized property it may be generated or loss its worth and value. It would be just and proper to release the seized property till the completion of investigation. So, the seized property can be released. In the result following order is passed.

### **ORDER**

1. Application is allowed.
2. The police of City Police Station, Tal. Shrirampur, Dist. Ahmednagar is directed to take four colour photographs of seized property costs born from the applicant and prepare detailed panchnama and submitted it while filing charge sheet.
3. The photographs of seized property must be attested and countersigned informant, accused and applicant.

4. The seized property i.e. Mobile i.e.VIVO V29e (8 + 128) Mobile bearing IMEI No.866807068793992 and 866807068793984, be handed over to the applicant till the conclusion of trial after executing indemnity bond of Rs.12,000/- (In words Twelve Thousand Rupees Only) before the court. In case of breach of bond, the applicant is liable to pay indemnity bond amount before the Court.
5. The applicant to undertake that he shall not sell or transfer the seized property without prior permission of the court.
6. The applicant is to preserve and maintain the seized property in all respects.
7. The applicant shall produced the seized property in the court as and when directed.
8. R and P of this proceeding tagged with concerned case whenever filed.
9. Inform the concerned police station officer.

Dated: 17.03.2026.  
Place: Shrirampur.

**(Vidya S. Kasbe)**  
Judicial Magistrate First Class,  
Shrirampur, Dist. Ahmednagar.