


CNR No: MHAH-1900-0470-2026 	<u>Cri.M.A.No.70/2026</u> <u>Javed Vs. State</u>
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Order below Exh. 1

This is an application filed by the Applicant Javed Munir Sayyad under Section 503 of the Bhartiya Nagrik Surksha Sanhita for return of muddemal i.e.mobile handset.

2. The Applicant has contended that, he is the owner of mobile handset of Samsung Company having its Model No. S24 Ultra 12/512 and IMEI No. 353578851901791 and Samsung A23 5G (6GB/128GB) (Orange) Batch No. 353140542630436, HSM/SAC-85171300. Both mobiles are seized by Shevgaon Police Station in C.R. No. 85/2026. The said mobiles are now lying in the Police Station. Hence, he prayed to return the same being owner of the same.

3. I have perused the record, say of I.O. and APP. I.O. objected the present application on the ground that, the alleged offence is serious. The said muddemal is important piece of evidence. Investigation is yet to complete. Applicant will change the nature of seized muddemal if possession is given to him. On these grounds application is objected.

4. It is to be noted that, said mobile handset were seized from possession of accused. On perusal of record, it reveals that the Applicant has filed copy of FIR, verified copy of purchase receipts of mobiles and his aadhar card. Upon perusal of copies of purchase receipts it reveals that, applicant is owner of both mobile handset.

5. The purpose behind exercise of powers under Sections 503 of Bhartiya Nagrik Surksha Sanhita is to see that, the electronic articles like mobile is not kept unattended, while lying in the Court premises or police station, so that it does not become junk day by day. In the instant case, the evidence is sufficient to hold that the Applicant is entitled for the possession of said mobiles. Therefore, no need to keep the said mobiles in the custody of the Police. However, certain conditions needs to be imposed upon the Applicant, while releasing the said mobiles. Therefore, I pass the following order.

ORDER

1. The application is allowed.
2. The Applicant is directed to execute indemnity bond of Rs. 1,50,000/- (Rs. One Lakh Fifty Thousands only) before concern I.O.
3. The Investigating Officer of Crime No. 85/2026 of Shevgaon Police Station is hereby directed to handover the interim custody of the mobile handset of Samsung Company having its Model No. S24 Ultra 12/512 and IMEI No. 353578851901791 and Samsung A23 5G (6GB/128GB) (Orange) Batch No. 353140542630436, HSM/SAC-85171300 to the Applicant after producing executed indemnity bond of **Rs. 1,50,000/-** (Rs. One Lakh Fifty Thousands only).
4. The Investigating Officer is further directed to take photographs of the said mobiles and prepare detailed Panchanama at the time of returning the above said

mobiles handset to the applicant.

5. The applicant shall not alienate or change the nature of both mobile handset in any manner and he shall produce the same as and when directed by the Court.
6. The applicant to undertake that he shall not sale or transfer the said mobiles handset.
7. Indemnity bond be executed before Shevgaon Police Station.
8. Record and Proceeding be kept in the original proceeding.

Shevgaon

Date: 09.03.2026

(D. R. Kulkarni)

Judicial Magistrate F.C.,
(Court No.3) Shevgaon .