

MHAU060004532026



Cri.M.A.No. 60/2026
Sachin Gangadhar Pawar
Vs.
State of Maharashtra
ORDER BELOW EXH.1

1. The applicant Sachin Gangadhar Pawar has filed the application under Section 503 of BNSS for return of the property. According to the applicant, crime No. 214/2025 is registered with Kannad City Police Station for the offences punishable under sections 4 and 5 of Maharashtra Prevention of Gambling Act. During the course of investigation, one mobile phone belonging to the applicant i.e. Redmi 12 Moonstone Silver 128 GB, bearing IMEI No. 867339065652517 was seized by the police officer. The said mobile phone is kept in police station. If the said muddemal is kept in unused condition, there will be chances to damage the muddemal and it will cause loss to the applicant. Hence, he has prayed for return of the said muddemal. The application is supported with an affidavit of the applicant. Applicant further submitted that, he has purchased the said mobile phone from one Gopal Dilip Mahale on Purchase Receipt/ Agreement. He has filed purchase receipt on record to that effect.

2. The Ld. A.P.P. has submitted that, accused has used this mobile in commission of crime. If custody of seized mobile is given to the applicant he will against use it for commission of

similar kind of offences. Moreover, seized mobile is the important part of evidence. Therefore, he has prayed to reject the application. I.O. has objected to present application and submitted that, accused has not produced the purchase bills of mobile phone. If custody of mobile phone is given to accused he will commit similar kind of offence and there will be no guarantee by accused he will produced the mobile phone whenever directed by court. Therefore, I.O. has prayed to reject the application.

3. Heard the Ld. Advocate for the applicant and the Ld. A. P. P. Perused the application and say filed thereon. Further, perused the documents on record.

4. It is to be noted that, the application is supported with an affidavit. In support of his claim, the applicant has filed following documents.

- i) Copy of FIR
- ii) Copy of Aadhar Card of the applicant.
- iii) Invoice of mobile phone
- iv) Purchase Receipt/ Agreement.

5. As per section 503 of BNSS, whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he deem fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof by imposing certain conditions.

6. It is to be noted that, on perusal of invoice of the seized mobile phone, it appears that seized mobile phone stands in the name of one Gopal Dilip Mahale. After perusal of purchase receipt/ agreement, applicant has purchased this mobile from Gopal Mahale. Therefore, here it would be proper to give custody of muddemal to present applicant. The application is also supported with an affidavit. The copy of Aadhar Card shows that the applicant is the same person. Hence, considering the facts in hand, if the seized muddemal is kept in the police station and if not used, it will get damaged. No purpose would be served by keeping the seized muddemal at police station. No one except the applicant came forward for the interim custody of the seized Muddemal. He is ready to abide by the terms and conditions imposed by the court. Therefore, the applicant seems to be a fit person to hand over interim custody of the seized Muddemal. Considering the apprehensions of I.O. and learned APP, at the time of allowing application certain conditions are required to be imposed on the applicant. Therefore, the application deserves to be allowed on following conditions. Hence, the order.

ORDER

1. The application is allowed on the following terms.
2. The interim custody of Mobile Phone Redmi 12 Moonstone Silver 128 GB, bearing IMEI No. 867339065652517 be handed over to the applicant on executing Indemnity Bond of Rs. 12,000/- (Rupees Twelve Thousands Only) before the

police.

3. The applicant shall not change or alter the colour and condition of muddemal. He shall not create any third party interest or make any alteration and changes in the said muddemal till final disposal of the case.
4. The I.O before releasing the seized muddemal in favour of applicant shall take colour photographs of them from different angles so as to identify the particulars of them and shall prepare panchnama in detail.
5. The I.O shall take care that said photographs, panchnama and indemnity bond furnished by the applicant shall find its place in the charge-sheet.
6. Inform the I.O accordingly.

Place: Kannad.
Date : 17.03.2026

(Smt. Rupali S. Tapadiya)
Judicial Magistrate, First Class,
(Court No. 3), Kannad .

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	: Rajesh M. Sonawane
Name of the Court	: Smt. R. S. Tapadiya, Judicial Magistrate First Class, Court No. 3 Kannad
Date of the Order	: 17.03.2026
Order signed by the Presiding Officer on	: 17.03.2026
Order uploaded on	: 17.03.2026