

CRI.M.A. No.166/2026**ORDER BELOW Exh.01**

This is an application filed by applicant Pavan Mahadev Kale for getting interim custody of muddemal property i.e. Apple Companies Iphone 15 Pro Mobile IMEI No. 1. 353788465587510, 2. 353788464552135 (In short “said muddemal”) seized under Section 303(2), 324(2) of Bharatiya Nyaya Sanhita.

2. It is contention of the applicant that, he is owner and possessor of said muddemal. Police authorities from police station Pachod, Tal. Paithan seized the muddemal in crime No.89/2026. Applicant further contended that, due to seizure of muddemal, he is facing inconvenience for his day to day work. In support of his claim, he produced copy of F.I.R. No. 89/2026, copy of mobile purchase bill and copy of Aadhar Card of applicant etc.

3. Ld. APP and I.O. filed their say and strongly opposed the said application. It reveals that said mobile is part and parcel of the evidence, if it is released it can altered, modify and also can transfer to third person. So, it cannot avoidable for trial and similar offence can commit in future by using seized mobile. Hence, prayed to reject the application.

4. On perusal of documentary evidence it seems that, the mobile is possessed in the name of Pavan Mahadev Kale. The applicant is entitled to custody of the seized Apple Companies Iphone 15 Pro Mobile. There is no other claimant. No purpose would be served in keeping the muddemal laying in the police station. The possibility of the damage to property cannot be ruled out if kept laying in the police station. In that case, I find there is no hurdle to allow this application and to hand over the interim custody of the

seized Apple Companies Iphone 15 Pro Mobile to the applicant. To the extent of objection raised by Ld. APP and I.O. necessary conditions can be imposed. Hence, I pass the following order :-

ORDER

1. Application is allowed.
2. Interim custody of Apple Companies Iphone 15 Pro Mobile be handed over to applicant Pavan Mahadev Kale on execution of bond of Rs.70,490/- (Rupees Seventy Thousand Four Hundred Ninty only).
3. The applicant shall not create any right, title, interest in respect of the said muddemal and shall not change or alter its nature and will produce it as and when required by the Court during trial, till disposal of case or further order.
4. Investigating Officer shall take four photographs of muddemal from different angles and produce the same in court.
5. The applicant shall not use or allow to use above mentioned muddemal for committing such offences.
6. One copy of this order shall also be attached with the charge - sheet.
7. Applicant is directed to execute the bond before concern police station. PSO shall report the compliance.
8. Letter be issued to concern police station accordingly.

Paithan.

Date:- 23/06/2026

**(Mrs. S. K. Deshmukh)
Judicial Magistrate F.C., Paithan.**

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment / Order.

(a)	Name of Stenographer	:	K.V. Bayas
(b)	Court	:	Mrs. S. K. Deshmukh, 2 nd Civil Judge, J.D.& J.M.F.C.,Paithan.
(c)	Judgment /Order signed by PO. on	:	23/06/2026
(d)	Judgment /Order uploaded on	:	23/06/2026