

MHAU110012192022



SCC No.686/2022
State Va. Shridhar

ORDER BELOW EXH.8

This is an application filed by applicant under section 451 of Code of Criminal Procedure, 1973 for custody of Realme C2 mobile handset of blue colour bearing IMEI No. 868332042558039 during trial on supurtnama. Perused the application and the documents filed along with it. The application is supported by the affidavit of the applicant.

2. The Investigating Officer has filed say on Exh.16 and Learned A.P.P. has filed his say on Exh.17. They have taken objection to releasing the seized Realme C2 mobile handset in favour of applicant. Heard.
3. The applicant in support of his contention has filed on record certain documents i.e. verified copy of purchase receipt of mobile and verified copy of adhar card of applicant.
4. From the above documents, the applicant Shridhar Vithal Khakre appears to be the owner of the seized mobile handset in question. Hon'ble Apex Court in the case of **Sundarbhai Ambalal Desai Vs. State of Gujrat reported in 2003 SCC Crime 1943**, held that whatever be the situation it is of no use of keeping such seized property at the police station for long period and it is for the magistrate to pass appropriate order immediately by taking appropriate bond and gurantee as well as security for the return of the said property if required of any point of time. Therefore, no purpose would be served in keeping the seized property i.e mobile handset in the Police Station premises. The possibility of the

damage to the property can not be ruled out if kept lying in the Police Station. The trial would not be concluded in near future. In the present crime nobody except the applicant came before the court to claim in respect of the seized property. Hence, I have no hesitation to return the seized said mobile handset in favour of applicant by imposing terms & conditions. Hence order :

ORDER

1. The application is allowed.
2. The seized property i.e. Realme C 2 mobile handset of blue colour bearing IMEI No.868332042558039 be handed over to the applicant viz. **Shridhar** **Vithal Khakre** till the conclusion of the trial on his executing indemnity bond of Rs.10,000/- (Ten Thousand Only) on following terms and conditions.
3. The applicant to undertake that, he shall not sell or transfer or alter the nature of said mobile handset without the prior permission of the Court. The applicant to maintain and preserve the property in all respects.
4. The applicant shall produce the seized property in the Court as and when directed by this Court.
5. The applicant to execute Indemnity Bond before concerned Investigation Officer.
6. Investigation Officer is directed to prepared panchnama of handing over and take photographs of the Realme C2 mobile handset from each side at the costs of applicant and submit panchnama, photographs and Indemnity Bond on record.
7. Issue letter to the P. I. Police Station Vadodbazar, Dist. Aurangabad accordingly.

Sd/-

(**Dhananjay S. Deore**)

Judicial Magistrate First Class,
Court No.2, Phulambri.

Place :-Aurangabad.

Date :- 19/08/2022.

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 : S. D. Chavan
Stenographer
Court : JMFC Court, No. 2, Phulambri.
Date : 19/08/2022.
Order signed by the
presiding officer on : 19/08/2022.
Order uploaded on : 19/08/2022.

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