

ORDER BELOW EX.1.

1. The present Application has been filed by the Applicant “Nakul Diliprao Deshmukh”, for return of OPPO Mobile, IMEI no. 866278043880918 and IMEI no. 866278043880900, as per the provision of Code of Criminal Procedure, 1973, which is seized by Khamgaon City Police station in Cr. No.321/2022. The Ld. APP and I.O has objected the application. Perused the Application, say and the documents on record. Heard parties.
2. From the perusal of the documents that is, the copy of mobile receipt of the said property, copy of F.I.R, Aadhar card of applicant, NOC of the complainant. It is appeared that the property is in the name of the Applicant. Further the said property is not claimed by anybody. In my opinion there is no use to keep such property in custody of the police till trial is over because there is possibility of damage or loss to such property. Hence, in such a circumstance it will be just and proper to return the property by putting a reasonable condition on the Applicant.
3. Hence, in the above circumstances I proceed to pass following order in view of provision of section 457 of the code of criminal procedure, 1973.

order

- i. The Application is hereby allowed.
- ii. The Investigating Officer of the Khamgaon City police station is hereby directed to for return OPPO Mobile, IMEI no. 866278043880918 and IMEI no. 866278043880900 which is seized by Khamgaon City Police station in Cr. No.321/2022 to the Applicant.
- iii. The Applicant is hereby directed not to alienate, change or tampered with the alleged property.
- iv. The Applicant is hereby directed to produce the alleged property as

and when called for.

- v. The Applicant is hereby directed to execute the supurtanama bond binding himself to comply with above directions and in default to forfeit amount of Rs. 30,000/- (Rupees Thirty thousand Only).
- vi. Upon execution of the above bond before the court, informed the PSO to obtained the colour photograph of the above property attested by the Applicant. At the Applicants expanses and send the same to the court and to hand over the custody of the above seized Property to the Applicant by drawing the necessary punchanama.
- vii. R and P of this Application and the colour photograph be tagged with the case which may be filed in the concerned crime.
- viii. The PSO of Khamgaon City Police station is hereby directed to submit the compliance report.
- ix. Copy to PSO Khamgaon City Police station.

Khamgaon Buldhana
Date :- 04/11/2022

Sd/-
(H.Y.Kawale)
Jt. Judicial Magistrate First Class
Khamgaon Buldhana