

CNR NO. MHBI010009812023

ORDER BELOW EXH. 25 IN
SESSIONS CASE NO. 30 OF 2023

The State of Maharashtra

Versus

Shital Pandurang Chavhan

1. Perused the application and affidavit. This is an application filed by applicant namely Vitthal Rajabhau Chavhan for seeking interim custody of Vivo Company Made Mobile Handset having IMEI No.1- 865380051930592 as seized by Georai Police Station in their Crime No.551/2022. By filing say at Exh.34 Ld. A.P.P. has resisted the application and strongly raised objection to grant this application.

2. Heard Ld. Advocate Shri. V.B. Magar for applicant and Ld. A.P.P. Shri. B.S. Rakh for the state.

3. Ld. Advocate for applicant submitted that, investigation of the present crime is completed and charge-sheet is filed by the investigation officer. He further submitted that, applicant is owner of the above said mobile handset which is lying in police station in idle condition and there is every possibility of its damage. Applicant is ready to abide each and every condition if imposed by this Court. On the other hand Ld. A.P.P. submitted that, if the said mobile handset will be returned to the applicant there is an possibility of selling this

mobile handset. If the mobile handset is returned to the applicant, he can change the colour or nature of the mobile handset and he will not produced the same at the time of trial.

4. Applicant has produced photo copy of receipt of mobile handset and photo copy of his Aadhar Card. It shows that, applicant is owner of the aforesaid mobile handset.

5. Perused the application, FIR, charge sheet, papers produced on record. It appears that, no purpose would be served by keeping above said mobile handset with police in idle condition. Applicant is ready to produce above said mobile handset whenever required during the trial. After perusal of say of I.O., it appears that, he has no objection to grant this application. Applicant is not accused in the present crime. In the circumstances, I am of the opinion that applicant is entitled for interim custody of the above seized mobile handset by imposing certain conditions. In the result following order is passed.

ORDER

1. Application is allowed.
2. Interim custody of seized Vivo Company Made Mobile Handset having IMEI No.1- 865380051930592 as seized by Georai Police Station in their Crime No.551/2022 be given to applicant namely Vitthal Rajabhau Chavhan on executing indemnity bond of Rs. 10,000/- (Ten thousand only).
3. The applicant shall abide the following conditions.
 - (a) Applicant shall not change the colour or nature of the said mobile handset.

- (b) Applicant shall produce the said mobile handset as and when directed by this Court during the trial.
 - (d) Applicant shall not transfer the ownership of the said mobile handset till conclusion of the present case.
4. Inform the concerned police station accordingly.
 5. Indemnity bond of mobile handset shall be kept with this case.

Beed.
Date: 26.10.2023.

Sd/-
(S.T. Doke)
Additional Sessions Judge,
Beed

C E R T I F I C A T E

I affirm that the contents of this PDF file are word to word as per original Judgment/order.

Sd/-
(R.K. Sawant)
Stenographer Grade-I
District Court-5 & Addl. Sessions
Court, Beed.

Dictated on : 26.10.2023
Transcribed on: 26.10.2023
Checked & signed on: 26.10.2023