



ORDER BELOW EXH. 1
(Amit Ashokrao Ghodmare vs. State of Maharashtra)
CNR No. MHCH160017352022

This is an application filed by applicant as per Section 457 of Code of Criminal Procedure to release the seized mobile.

2] Perused the application. Application is supported by affidavit of the applicant. Perused the say filed by the Investigating Officer at Exh. 6 and Learned APP below said application.

3] In the application, applicant stated that seized mobile i.e. Vivo Y 72 companies, its IMEI no. 868251054706775 & 868251054706767 belongs to him. Said mobile handset was seized by Police in Warora Police Station Crime Register No. 626/2022 during the course of investigation. He further stated that he required above said mobile handset. He also assured that he will not sale the said muddemal till the conclusion of the trial. He is also ready to execute indemnity bond in that respect. Therefore, he pray that said muddemal be handed over to him till the conclusion of the trial.

4] Investigating officer by filing his say at Exh.6 opposed the application contending that the applicant may further use the said mobile in similar kinds of offences. Learned APP by filing her say below said application opposed the application by saying that the said mobile is the part of evidence.

5] I perused the record of the case. Accused is alleged to have committed an offence punishable under Section 12(a) of the Mumbai

Gambling Act & section 109 of IPC. I perused the say filed by the investigating officer at Exh.6.

6] No one except the applicant claim the custody of the said muddemal. As the applicant has shown his prima-facie ownership over the seized property, he is entitled for the possession of the same. In the result following order is passed.

ORDER

- 1] Application is allowed.
- 2] Seized mobile handset i.e. Vivo Y 72 companies, its IMEI no. 868251054706775 & 868251054706767 be handed over to the applicant Amit Ashokrao Ghodmare till the conclusion of the trial. The applicant shall execute indemnity bond of Rs. 25,000/- (Rs. Twenty-Five thousand only) for that purpose.
- 3] Applicant shall undertake in the indemnity bond that,
 - (a) He shall not sell or transfer the seized muddemal property without the prior permission of the Court,
 - (b) The applicant to maintain and preserve the muddemal property in all respects as it is,
 - (c) The applicant shall produce the muddemal property in the Court as and when directed and
 - (d) He shall not change the colour or external appearance of the muddemal property.
- 4] Applicant shall not misuse the muddemal property .

Place : Warora.
Date : 21-10-2022

(Prathamesh N. Rokade)
Judicial Magistrate First Class,
Warora, Dist-Chandrapur

C E R T I F I C A T E

“ I affirm that the contents of this P. D.F. file order are same word for word as per original order.

Name of Steno	:	D. G. Supale,
Court Name	:	Judicial Magistrate F. C., Warora.
Date	:	21-10-2022.
Order signed by presiding officer on	:	21-10-2022.
Order uploaded on	:	21-10-2022.