

MHCH100005342022

**ORDER BELOW EXH.12**

(Passed on 28/02/2023)

Perused the application and the documents filed along with it. It is contended that in crime no. 173/2022, u/sec. 380, 457 of Indian Penal Code, a HP company Laptop SN8CG0392381 came to be seized by police of Police Station Mul. Applicant namely Ajay Rajendra Patankar, Chief Officer is claiming to be the owner of the seized Laptop.

2) The I.O. has filed his say at Exh.13. I.O. has no objection to release the said seized Laptop. The Ld. APP also has filed his say and thereby contended that I.O. has not made detail investigation and looking to the position of the applicant without documentary evidence, seized muddemal be not given on suprutnama of the applicant.

3) The Ld. Advocate for applicant filed on record the verified copy of bill of HP company Laptop, copy of his Aadhar card and copy of FIR. The verified copy of bill of HP company Laptop shows that it is purchased in the name of office of the applicant. Applicant also filed on record posting letter. Thus, office of the applicant appears to be the owner of seized Laptop of HP company. No other claimant came forward to claim the said seized Laptop. The predecessor of the applicant is informant. On the basis of report lodged by him an offence came to be registered against accused and police have seized said Laptop in this crime. If the seized Laptop is kept in the police station for long time,

then it will remain unattended there and will be exposed to adverse seasonal conditions, which will result into the loss of its value and efficiency. The only safeguard which can be taken is to ensure the production of Laptop. No other claimant came forward to claim the seized Laptop. It appears that no purpose will serve in keeping the seized Laptop laying in the Police Station. The possibility of the damage to it can not be ruled out if kept laying unattended in the Police Station. Considering all these facts and the directions of the Hon'ble Supreme Court in **Sundarbhai's case reported in AIR 2003, Supreme Court 638**, it will be just to handover the interim custody of the seized Laptop to the applicant. Hence, it will be appropriate to release the seized Laptop on following terms and conditions.

ORDER

- 1] The application is allowed.
- 2] The police Station Officer of police station, Mul is hereby directed to release the Laptop i.e. HP company Laptop SN8CG0392381, seized in Crime no. 173/2022 in favour of the applicant Ajay Rajendra Patankar, Chief Officer on execution of bond of Rs.60,000/- on bond paper of Rs. 200/-, if not required in any other crime on the following conditions.
 - (i) The applicant shall produce the above said Laptop as and when required by this Court.
 - (ii) The applicant shall not alienate the said Laptop in any manner without prior permission of the Court.
 - (iii) The applicant shall not change the nature of the above said Laptop so as to loss its identity.
- 4] The applicant shall execute an indemnity bond thereby undertaking to indemnify an amount of Rs.60,000/- (Sixty thousand Only) in case of his failure to produce the said Laptop whenever required.
- 5] The concerned I.O. is hereby directed to prepare detailed panchanama of above said Laptop before releasing it in favor of the

applicant on supratnama and take its photographs, at the expense of applicant, countersigned by the applicant and send all the documents along with charge sheet.

6] Bond before Court.

7] Intimate to concern police station accordingly.

Mul.
Dated:-28-02-2023

(Pankaj K Ahir)
Judicial Magistrate First Class,
Mul.