



IN THE COURT OF DISTRICT JUDGE-1 & ASJ, GONDIA.

SESSIONS TRIAL NO. 40/2023.
(CNR NO.MHGO010005412023)

STATE, PSO, DAWANIWADA -VS- SUSHIL KAPSEKAR+5

ORDER BELOW EXH. 11.

(Passed on this 28th day of November, 2024)

Seen application.

2. This is an application filed by applicant Sushil Silakdas Kapsekar for releasing yellowish and white metal ornaments as described in Annexure-A on supratnama.

3. It is contended by the applicant that the above said ornaments seized in Crime No.274/2022 registered with Police Station, Tirora under Sec. 306, 498(A) r/w 34 of IPC. Applicant is the husband of deceased who is owner and possessor abvoe said ornaments which were gifted by the applicant. After death of his wife, he is owner and possessor of the said ornaments. The said ornaments are required for his personal use. He is ready to abide any condition which the court will impose while releasing the ornaments. Accordingly, made request in above terms.

4. I.O. has filed reply at Exh.18 and contended that the said ornaments be handed over on imposing terms and condition.

5. Learned APP Shri Khandelwal filed say at Exh.13 and opposed the this application. As well the brother of deceased also filed say vide Exh.14 and opposed this application.

6. It is pertinent to note that, applicant got married with Ashabai way back in the year 2004. Alleged F.I.R. under Sec. 306 of IPC is filed by brother of deceased. He has stated that accused used to illtreat deceased because they had no issues. He used to often call her 'Vanzoti' and used to beat her. Even earlier report/complaint was filed against him at Dawaniwada Police Station.

7. Under these circumstances, informant has opposed applicant at hand. It is generally contended that applicant has not filed on record any documents to show that the ornaments claimed were purchased by him.

8. Therefore, at this stage, one may say that the said articles might have belonged to the deceased in as much informant and or for that matter relatives of applicant have not moved any application claiming the said property. As such, on the basis of available documents at this stage it will not be

proper to handover seized articles to the applicant on suprutnama bond. Hence, the following order.

ORDER

Application (Exh.11) is hereby rejected.

Gondia.
Date: 28.11.2024.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.

Dictated and transcribed on dais computer	:	28/11/2024
Checked by the judge	:	28/11/2024
Finally printed and signed by the Judge	:	28/11/2024