

R.C.C. No. 112/2025
G.R.P. Bhusawal vs. Danesh
CNRNO.MHJG110025422025

ORDER BELOW EXH.04

1. The present application is moved by applicant Sunil Vasantrao Kankale under section 497 of the B.N.S.S. for return of green coloured Samsung A14 mobile handset having I.M.E.I. No.351733711111 188. It is contended that, on 17.08.2024 the applicant was travelling in S-7 coach, berth No.48 of train No.11039 Dn. Maharashtra Express. When said train slowly started from Jalgaon Railway Station unknown person had stolen his mobile by putting hand in the window. The applicant is the owner of said mobile. The said mobile is seized by G.R.P. Bhusawal. If said mobile lying in G.R.P. station then the irreparable loss would be caused to the applicant. The said mobile and it's parts will be damaged if it is not in use. The applicant is ready to abide by conditions if imposed by this Court. Praying that, application may kindly be allowed and G.R.P. Bhusawal may be directed to release said mobile.

2. Spl. APP Smt. Jidnyali Badgujar filed say at Exh. 07 on application contending that, seized mobile is necessary for trial of the case. If said mobile returned to the applicant then he may dispose off it. Praying that, application may be rejected.

3. Heard Spl. APP Smt. Jidnyali Badgujar for the G.R.P. and Adv. Firoj Shaikh for the applicant.

4. Perused the record.

5. Applicant Sunil Vasantrao Kankale is the complainant and he lodged the complaint of theft of mobile. Crime No.745/2024 under section 304(2) of The B.N.S. is registered against unknown person at G.R.P., Bhusawal. Police had seized said mobile while investigating the crime. The applicant has filed some documents below list Exh.06. On the perusal of invoice it appears that, Sunil Kankale is the owner of

Samsung A14 5G Green mobile handset. The applicant has prima facie shown his entitlement over the seized property. Except the applicant nobody has claimed seized mobile. Hence, in view of the ratio laid down and observations made in the case of **Sundarbhai Ambalal Desai Vs. State of Gujarat** reported in **AIR 2003 (SC) 638**, applicant is entitle for the interim possession of the seized mobile. Therefore, no purpose would be served by keeping said mobile in G.R.P station. Hence, in the interest of justice, I proceed to pass the following order :

ORDER

1. The application is allowed as under:
2. The G.R.P Bhusawal is directed to hand over the green coloured Samsung A14 mobile handset having I.M.E.I. No.351733 711111188 to the applicant.
3. The applicant is directed to execute Supurtnama of Rs.18,000/- (Rs. Eighteen Thousand only) for the said mobile handset before this Court.
4. The applicant is directed not to alienate/ sold, not to make change in the said mobile handset without prior permission of this Court and produce it before the Court as and when directed till disposal of the case.
5. Investigating Officer in the said crime shall prepare Panchanama and take necessary photographs of said mobile at the expenses of applicant at the time handing-over its possession to the applicant on Supurtnama.
6. The application is accordingly disposed off.

Place : Bhusawal

Date : 25/06/2025

(M. Sharique A.U. Raheman)

Judicial Magistrate First Class,
Railways Court, Bhusawal