

R.C.C. No. 125/2024
RPF Bhusawal Loco vs. Rahul+17
CNRNO.MHJG110051052024

ORDER BELOW EXH.109

The present application is moved by applicant /accused Shashikant Ganpat Surwade under section 451 of Cr.PC. for return of OPPO A55 mobile handset having IMEI No.8695770472 49591. It is contended that, above said mobile had seized the R.PF. Bhusawal Loco. Further, the applicant is the owner of said mobile. If said mobile lying in R.PF. station then the irreparable loss would be caused to the applicant/accused. The said mobile and it's parts will be damaged if it is not in use. The applicant/accused is ready to abide by conditions if imposed by this Court. Praying that, application may kindly be allowed and R.PF. Bhusawal Loco may be directed to release said mobile.

2. Investigating officer filed say on application at Exh.116 contending that, it is used by the accused in commission of offence. If mobile returned to the accused he may destroy the evidence. Praying that, application may be rejected.

3. Railway Prosecutor Shri. R. K. Tamrakar filed say contending that, seized mobile is an important piece of evidence. It is used by the accused in commission of offence. Praying that, application may be rejected.

4. Heard. Adv. R. M. Yadav for the applicant and Railway Prosecutor Shri. R. K. Tamrakar for the R.PF.

5. Perused the record.

6. Crime No. 08/2023 under section 3(a) R.P.U.P Act is registered against accused persons at R.PF., Bhusawal Loco. R.PF. has seized said mobile while

investigating the crime. The applicant has filed some documents below list Exh.111. On the perusal of purchase receipt of mobile it appears that, Shashikant Surwade is the owner of OPPO mobile handset. Nobody has claimed above said mobile except the applicant. Therefore, no purpose would be served by keeping said mobile in R.P.F. station. Hence, in the interest of justice, I proceed to pass the following order :

ORDER

1. The application is allowed as under:
2. The R.P.F. Bhusawal Loco is directed to hand over the OPPO A5S mobile handset having IMEI No.869577047249591 to applicant Shashikant Ganpat Surwade.
3. The applicant/accused is directed to execute Supurtnama of Rs.10,000/- (Rupees Ten Thousand only) for the said mobile handset in the court.
4. The applicant/accused 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.
5. The application is accordingly disposed off.

Place : Bhusawal

(V. B. Salunke)

Date : 05-08-2024

Judicial Magistrate F.C. (Rly)

Bhusawal