

MHJN050002902026



Cri. M. A. No.34/2026  
Shree Samarth Traders V/s State of  
Maharashtra

**ORDER BELOW EXHIBIT NO.27**  
(Passed on 10.04.2026)

1] This is an application under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for releasing **Mobile phones of Samsung Companies S 22 Ultra** having its **IMEI No.357187980663029** and **Galaxy Z Fold** having its **IMEI No.355142630895**, **Mobile phone of Apple Company iPhone 14** having **model No.MPUR3HN/A**, **White Colour earbuds of Boat Companies** and **two trishul bali (earrings) of silver** on supratnama.

2] Perused application, say and documents filed on record. Heard, advocate Shri. R. L. Limbulkar, for the applicant and Spl. APP for the State.

3] Say of the accused was called on the said application. But, they failed to file their say. Hence, no say order on said application is passed against them.

4] The applicant has submitted that the Police Station, Partur, registered **Crime No.40/2026** for the offence punishable under Sections 331 (4), 305 (a) read with Section 3 (5) of the Bharatiya Nyaya Sanhita, 2023. Wherein, police have seized the alleged mobile phones, iPhone, earbuds and earrings. It is the contention of the applicant that he is the owner of Shree Samarth Traders near Sai Baba temple having, license No.119 and having its id No.102560062103. At the time of closing of the shop there were remaining balance of Rs.10,00,000/- in form of currency notes of Rs.500/-, Rs.200/-, Rs.50/- and Rs.10/-. At the time of closing of the shop at around 09.00 p.m.

the applicant counted cash that time amount was Rs.10,00,000/-. He kept that cash in the aisle of his counter. Thereafter, he came to know that the amount of Rs.10,00,000/- stolen by the accused person and child in conflict with law (CCL). It is the contention of the applicant that the accused and child in conflict with law (CCL) purchased the alleged mobile phones, iPhone, earbuds and earrings from the stolen amount and they admitted the said fact before the police and hence, the applicant wants to return alleged mobile phones, iPhone, earbuds and earrings seized in the said crime, as it were purchased from his cash and hence, he is deemed owner of alleged mobile phones, iPhone, earbuds and earrings. For this reason, the applicant prayed for releasing the alleged mobile phones, iPhone, earbuds and earrings on supratnama.

**5]** The say of I.O. and Spl. A.P.P. was called on the said application. They have filed their say vide Exh.04 and 07 respectively. As per the say of I.O. during investigation it revealed that the accused and child in conflict with law (CCL) have purchased the alleged mobile phones, iPhone, earbuds and earrings from the stolen amount and prayed that an appropriate order will be passed. The learned Spl. APP strongly opposed this application by filing his say vide Exh.07, on the grounds that the alleged mobile phones, iPhone, earbuds and earrings are required for prosecution for the purpose of evidence. Also, alleged mobile phones, iPhone, earbuds and earrings are seized from the accused and child in conflict with law (CCL) and hence, alleged mobile phones, iPhone earbuds and earrings is also necessary in the trial of Juvenile Justice Board at the time of evidence. He further contented that the applicant has not filed on record documents showing the ownership of the applicant and if the custody of the seized muddemal handed over to the applicant then, the possibility of sale, pledge, transfer cannot be denied. Hence, he prayed to reject the application.

6] Now, it is necessary to see that whether the applicant proved his ownership or the fact that the accused and child in conflict with law (CCL) were purchased alleged mobile phones, iPhone, earbuds and earrings from the stolen amount. On perusal of record, it appears that the applicant has filed on record the copy of F.I.R., intimation receipt of his shop, shop act license and Aadhar card. These documents only shows that theft was committed in the shop of applicant i.e. Shri. Samarth Traders. But, for proving the contention of the applicant that the alleged mobile phones, iPhone, earbuds and earrings are purchased from the stolen amount by the accused and child in conflict with law (CCL) these documents are not sufficient. Also, the Investigating Officer, in his say said that the investigation revealed that the alleged mobile phones, iPhone, earbuds and earrings purchased by the accused and child in conflict with law (CCL) by stolen amount and seizure panchanama was also made. But, the Investigating Officer has not filed any document on record in support of his say. The Investigating Officer would have to be filed on record the documents showing the ownership of the accused and child in conflict with law (CCL), the date of purchase of alleged mobile phones, iPhone, earbuds, earrings. Also, the applicant has not filed on record the copies of the documents in respect of the ownership of the alleged mobile phones, iPhone, earbuds and earrings. Mere copy of F.I.R., intimation receipt of his shop, shop act license and Aadhar card cannot prove ownership. Also, it is not clear before the Court that whether the accused and child in conflict with law (CCL) are the owners of the alleged mobile phones, iPhone, earbuds and earrings or not. Hence, the story of the applicant that accused and child in conflict with law (CCL) have purchased the alleged mobile phones, iPhone, earbuds and earrings by the stolen amount cannot be relied in absence of documentary evidence. If the custody of said things handed over to the applicant in this situation, it will create

difficulties at the time of evidence.

7] In such circumstances, it is not proper to hand over the alleged mobile phones, iPhone, earbuds and earrings to the applicant. Moreover, the investigation is going on and the charge sheet is yet to be filed. As such, at this primary stage, it would not be just and proper to hand over the custody of alleged mobile phones, iPhone, earbuds and earrings. Hence, I am not inclined to grant interim custody of the alleged mobile phones, iPhone, earbuds and earrings. Accordingly, the application is deserves to be rejected. Hence, I pass the following order.

**ORDER**

The application is hereby rejected.

Date:- 10.04.2026.  
Place : Partur

**(V. B. Dombe)**  
Judicial Magistrate First Class,  
Partur

**- : CERTIFICATE : -**

I affirm that the contents of this Pdf file order are same word as per original order.

Name of Stenographer :- M. D. Adhe

Court Name :- V. B. Dombe,  
Judicial Magistrate (F.C.), Partur

Order dictated on :- 10.04.2026

Order transcribed on :- Direct on Computer

Order signed by P.O. on :- 10.04.2026

Order uploaded on :- 10.04.2026

(Madhav D. Adhe)  
Stenographer Grade-3