



Shridhar Kujapu Nayar Vs. State of
Maharashtra

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS
COURT No.3, ICHALKARANJI

ORDER BELOW EXH. 1

1. This application is filed by the applicant namely **Shridhar Kujapu Nayar** under Section 503 of the Bhartiya Nagrik Suraksha Sanhita.
2. As per application the Police Station, Ichalkaranji has seized Mobile of VIVO Company Y-31 IMEI No. 863856088814398 in Crime No.491/2025 registered at Ichalkaranji Police Station. Therefore, the applicant has filed present application for the interim custody of the above said seized mobile. In support of the application he has filed verified copy of FIR, Aadhar card and mobile bill along with **Exh. 03**.
3. Called say of Ld. A.P.P. and I.O.
4. The investigating officer and the learned APP have given strongly objection to hand over custody of above said mobile on the ground that, the mobile again be used in similar kind of offence, the present mobile is require to take CDR. If seized property is returned, there will be tampering of evidence can not be ruled out. Applicant may sell the said property or make changes in it. Hence, APP and IO has prayed for rejection of application.
5. Perused application, documents filed in support of it and say

thereon filed by the investigation officer and the learned A.P.P

6. Heard learned Advocate for the applicant and the learned APP on behalf of the State.
7. On perusal of record it reveals that, the documents filed by the applicant from its appears, that applicant is owner of above said mobile phone. It is submitted by the applicant that, he is ready to abide by all conditions imposed by this Court. Considering facts of the matter no purpose would be served by keeping mobile in unattended condition at Police Station. Therefore, If mobile phone remains at Police Station, then there is possibility of getting it damaged. Though the I.O. has taken objection to return the property however, for that objection muddemal can be return after investigation in respect of CDR completed. So there is no reason to reject present application and more particularly in view of the law laid down by the Hon'ble Apex Court in the case of *Sunderbhai Ambalal Desai V/s State of Gujrat*, there is no used to keep seized properties at Police Station for long period and appropriate order needs to be passed immediately regarding return of property by taking appropriate bonds as well as security for return of the property, if required at the time of trial. Hence, it would not be just and proper to reject the present application. In the result, following order is passed:

:- ORDER :-

1. Application is hereby allowed.
2. Police Inspector, Police Station, Ichalkaranji is ordered to handover interim custody of Mobile of VIVO Company Y-31 IMEI No. 863856088814398 in Crime No.491/2025 registered at Ichalkaranji Police Station be given to the applicant **Shridhar**

Kujapu Nayar on his executing indemnity bond for mobile of Rs.10,000/- (Rupees Ten thousand only) subject to following conditions:-

- a) He shall not sell, transfer or create third party interest upon the mobile without prior permission of this Court.
- b) He shall not change the colour and nature of the muddemal property.
- c) He shall produce the said muddemal property as and when ordered by the Court.
- d) He shall produce colour photographs of the said muddemal property. He shall not delete the mobile data of mobile phone and muddemal be returned to the applicant after taking data of CDR which is required for the purpose of investigation.
- e) Inform Police Station, Ichalkaranji accordingly.
- f) Investigating officer is hereby ordered to submit all relevant papers of release of above said muddemal along with final report of C.R.No.491/2025 and he shall mention in it about the return of mobile to the applicant.
- g) The record and proceeding of this application be kept along with report if any filed by the concerned police station arising out of Crime Register No.491/2025.

Ichalkaranji
Date :-05/05/2026

(A. M. Gaikwad)
Judicial Magistrate, F.C.,
Court No. 3, Ichalkaranji