

MHKO070002712026



**ORDER BELOW EXH. 1 IN**  
**CRIMINAL M.A. NO. 33/2026**  
**Rajashri Sudhir Magdum Vs State of**  
**Maharashtra Through Shirol Police**  
**Station**

The applicant, Rajashri Sudhir Magdum, has filed the present application seeking custody of the property, i.e.,

1. OPPO Company blue-colour mobile handset, containing SIM Card No. 7028402343, and
  2. Midnight blue-colour Aactiva 125 Drum moped motorcycle bearing Registration No. MH-09-GQ-6594, which were seized in Crime No. 10/2026 registered at Shirol Police Station.
2. Perused the application, the affidavit of the applicant, and the documents filed along with the application. The applicant has filed a photocopy of the FIR at Exh. 3/1, a photocopy of the R.C. book of the vehicle at Exh. 3/2, and a copy of the Aadhaar Card at Exh. 3/3. The applicant has also filed an affidavit at Exh. 5 stating that he has lost the purchase bill of the mobile handset.
3. Heard the Ld.Adv. for the applicant and Ld.APP for the state.
4. As per contention of applicant, she is using the said vehicle and mobile for her daily transaction. Upon perusal of copy of FIR and say filed by the investigating officer it becomes clear that he has seized the said motorcycle and mobile in crime No.10/2026. By filing the copy of RC book and affidavit at Exh. 5, the applicant has prima facie shown her entitlement over the

seized vehicle. No other claimant has come forward to object the ownership of the applicant over the said vehicle and mobile handset. If said vehicle and mobile lying in the premises of police station, it will be damaged. No purpose would be served in keeping the said vehicle and mobile lying in the police station till conclusion of trial which will take its own time. The possibility of damage of said vehicle and mobile can not be ruled out if kept lying at the police station. Applicant undertakes she will abide all the condition imposed by the court. She has proved her identity by filing verified copy of Aadhar Card. No doubt the said vehicle will be required for evidence purpose during trial. However, preparing a panchanama and taking necessary photographs of the said vehicle and mobile at the time of handing over its interim possession to the applicant and by directing the applicant to produce said vehicle and mobile as and when directed will suffice the purpose. Considering the direction of Hon'ble Supreme Court of India in the matter Sundarbhai Ambalal Desai vs. State of Gujarat, reported in AIR 2003 SC 638, I find no legal impediment in allowing this application in the backdrop when applicant has duly proved her entitlement for the interim custody for the said vehicle. Hence, I hold that, applicant is entitled for the interim possession of said vehicle and mobile, but on following conditions. In result, I pass following order:-

**: ORDER :**

- 1] The application is allowed on following terms and conditions -

- A] The Police Inspector, Shirol Police Station, is hereby directed to hand over the interim custody of the seized muddemal, i.e., (1) OPPO Company blue-colour mobile handset containing SIM Card No. 7028402343, and (2) Midnight blue-colour Activa 125 Drum moped motorcycle bearing Registration No. MH-09-GQ-6594, seized in Crime No. 10/2026 registered at Shirol Police Station, to the applicant after due verification and identification and upon verification of valid insurance, subject to the applicant furnishing an indemnity bond of Rs. 60,000/- (Rupees Sixty Thousand only) before the concerned Police Officer.
- (iii) The applicant shall not sell or transfer said muddemal without the prior permission of the Court, nor should he change the nature of said vehicle in any manner till conclusion of trial.
- (iv) The applicant shall produce said muddemal in the Court/Police Station as and when directed.
- v) Investigating Officer in the said crime shall prepare Panchanama and take necessary photographs of said vehicle, at the costs of applicant. The investigating officer is directed to release the aforesaid mobile after due verification of its valid insurance.
- vi) Investigating Officer shall attach said Panchnama, photographs and indemnity bond (Supurtnama) with original case papers of said crime.

- vii) This order be digitally signed and it shall be uploaded on the e-courts portal through C.I.S.

Date: 10/03/2026

**[ M. S. Patil ]**  
Judicial Magistrate First Class  
(Court No.2) Jaysingpur

