

MHKO070003002026



ORDER BELOW EXH. 1 IN
CRIMINAL M.A. NO. 35/2026
Arjun Rajendra Gurav Vs State of
Maharashtra Through Shirol Police Station

This is an application u/s 503 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for return of seized ornaments i.e. A Panchdhatu idol weighing 12 kilo. and 800 grams, silver eyes weighing 2.830 grams, one pot (Handa) and one copper vessel weighing 1 kilo. and 400 grams, one brass incense aarti and one bell weighing 1 kilo. and 81 grams (hereinafter referred as muddemal) seized in Crime No.379/2025 of Shirol Police Station.

02. The Investigating Officer filed his say and has given no objection to handing over the muddemal to the applicant. The Ld. A.P.P. filed his say and prayed for rejection of the application.

03. The applicant has filed an online copy of the FIR at Exh. 3/1 and a photocopy of the Aadhaar Card of the applicant at Exh. 3/2. The applicant has also filed an affidavit at Exh. 5 stating that he lost the purchase receipts in the flood. The Ld. Advocate for the applicant submitted that the applicant requires the said muddemal for the purpose of performing puja-archa of the deity. It is further submitted that the said muddemal may get damaged if it is kept at the police station for a long period. Hence, he prayed that the application be allowed.

04. Upon perusal of the say filed by the Investigating Officer and the copy of the FIR, it becomes clear that the said muddemal has been seized by the police. Thus, the applicant has prima facie shown his entitlement over the seized muddemal by filing his affidavit. No other claimant has come forward to object to the entitlement of the applicant over the said muddemal. The possibility of damage to the muddemal cannot be ruled out if it remains lying at the police station. The applicant undertakes that he will abide by all the conditions imposed by the Court. He has proved his identity by filing the affidavit at Exh. 5. No doubt, the said muddemal will be required for evidentiary purposes during the trial. However, preparing a panchnama and taking necessary photographs of the said muddemal at the time of handing over its interim custody to the applicant, and directing the applicant to produce the said muddemal as and when directed, would suffice for the said purpose.

05. In the given facts and circumstances, in my considered opinion no prejudice will be caused to the prosecution if the interim custody of the muddemal is handed over to the applicant. Hence, I pass the following order

ORDER

- (i) Application is allowed.
- (ii) The interim custody of the seized ornaments, i.e., a Panchdhatu idol weighing 12 kilo. and 800 grams, silver eyes weighing 2.830 grams, one

pot (Handa) and one copper vessel weighing 1 kilo. and 400 grams, one brass incense aarti and one bell weighing 1 kilo. and 81 grams, seized in C.R. No. 379/2025 registered with Shirol Police Station, be handed over to the applicant till the conclusion of the trial, on the applicant executing an indemnity bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand only).

- (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 muddemal 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 muddemal, at the costs of applicant. The investigating officer is directed to release the aforesaid muddemal after due verification of applicant.
- (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