

MHKO070004592026

Criminal M. A. No.43/2026



**Samir Rehaman Nadaf Vs State of
Maharashtra Through Shirol Police Station**

ORDER BELOW EXHIBIT 1.

(Dated 02/04/2026)

01. This is an application u/s 503 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for return of seized mobile handset of Motorola company's and Jio company's sim card No.9284409840 seized in Crime No.10/2026 of Shirol Police Station for offence punishable u/s. 143 (3), 3(5) of the Bharatiya Naya Sanhita, 2023 and Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956.

02. The Investigating Officer filed his say at Exh.5 and prayed for necessary order may be passed. The Ld. A.P.P filed her say at Exh.6 and prayed for rejection of the application.

03. The applicant filed photocopy of FIR at Exh.3/1, and verified copy of Aadhar card of applicant at Exh.3/2. The Ld. advocate for the applicant stated that, he has lost receipt of said old purchased mobile, the applicant is real owner of the mobile and he requires it for his daily use. Said mobile will be damage if kept at police station for long period. Hence, he prayed for allow the application.

04. After perusal of the say filed by the I.O. and copy of FIR it becomes clear that the said mobile alongwith sim card is seized by the police. Thus, an applicant has prima-facie shown his entitlement over the seized mobile and sim card. No other claimant has come forward to object the ownership of the applicant over the said mobile and sim card. The possibility of damage to the mobile and sim card can not be ruled out if kept lying at the police station. Applicant undertakes that, he will abide all the conditions imposed by the Court. He proved his identity by filing verified copy of Adhar card. No doubt said mobile and sim card will required for evidence purpose during trial. However, preparing a panchnama and taking a necessary photographs of said mobile and sim card at the time of handing over its interim possession to the applicant and by directing the applicant to produce said mobile and sim card as and when directed, will suffice the said purpose.

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

ORDER

- (i) Application is allowed.
- (ii) The interim possession of Motorola company's mobile handset and Jio company's sim card No.9284409840 seized in crime bearing

No.10/2026 registered at Shirol Police Station shall be handed-over to the applicant, till the conclusion of trial, on the applicant executing indemnity bond in total of Rs.10,000/- (Rs. Ten Thousand)

- (iii) The applicant shall not sell or transfer said mobile and sim card without the prior permission of the Court, nor should he change the nature of said mobile and sim card in any manner till conclusion of trial.
- (iv) The applicant shall produce said mobile and sim card 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 mobile and sim card, at the costs of applicant. The investigating officer verify whether the sim card in the name of the applicant or not. After that verification the sim card be handed over to the applicant.
- (vi) Investigating Officer shall attach said Panchnama, photographs and indemnity bond (Supurtnama) with original case papers of said crime.

(Vii) As the application is E-filed, this order shall be digitally signed and uploaded on the e-courts portal through C.I.S.

Date: 02/04/2026.

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