



Order below Exh. 27 In RCC No. 129/2015
CNR No. MHKO110010502015
Passed on 27/11/2021

1. This is an application filed by applicant S. B. Reshellers Pvt.Ltd., Shirol, Tal. Hatkanangale, Dist. Kolhapur under Section 457 of The Code of Criminal Procedure, 1973 for return of seized property.
2. The applicant has contended that he is the owner of the seized copper plate, copper strip, pipe scrap approximately 71 kilogram are seized by Shirol MIDC police station in C.R. 60/2015. Hence, he prayed to return the same being registered owner of the said scrap material. The applicant has contended that, if the said scrap material remains idle in the custody of police in police station then there is possibility of causing damage to said scrap material due to non-use. The applicant further contended that, the said scrap material is required for him for daily use. Therefore, he has prayed that seized scrap material be released in interim custody on bond by imposing some conditions.
3. Learned APP filed her say and given strong objection to hand over interim custody of alleged scrap material. Lastly she prayed for necessary may be passed.

4. I have perused application and record and say. On perusal of record, it reveals that applicant has filed verified copy of FIR, applicant's Aadhar Card. Applicant also filed authority letter of S. B. Reshellers Pvt.Ltd., Dist. Kolhapur and Receipt of copper scrap material. Upon perusal of document, it reveals that name of applicant is mentioned in authority letter and aadhar card. His application is supported by an affidavit, there is no other claimant. However, according to F.I.R. and say filed by learned APP there is no case that the seized scrap material is required for investigation. Applicant also shows his willingness to follow all the condition if any, imposed by court. The I. O. in C. R. No. 60/2015 of Shirolu MIDC police station has not disputed the fact that applicant is owner of the seized scrap material. During trial the fact of seizure of said scrap material can be proved by proving seizure panchanama of the said scrap material.

5. The purpose behind exercise of the Section 451 and 457 of The Code of Criminal Procedure 1973 is to see that the scrap material is not kept unattended while lying in the court premises or police station, so that it does not become junk day by day. Moreover, applicant is ready to obey all conditions which imposed by court. Therefore, certain conditions needs to be imposed upon applicant while releasing said scrap material to avoid possibilities of

using said scrap material for another offence. Hence, I pass the following order -

ORDER

- a The application is allowed.
- b The seized muddemal copper plate, copper strip, pipe scrap approximately 71 kilogram be released in interim custody of the applicant on Supurtnama of applicant by executing bond of ₹35,000/- (Rupees Thirty Five thousand only).
- c The record and proceeding shows the present application be kept along with the original case of C.R. No. 60/2015 of Shirol MIDC Police Station, Dist. Kolhapur i.e. RCC No. 129/2015.
- d Investigation Officer in C.R. No. 60/2015 of Shirol MIDC Police Station, Dist. Kolhapur is directed to prepare detailed handing over Panchanama of said scrap material and collect two photographs which show the scrap material in question from applicant.
- e Issue Yadi accordingly.

Date – 27/11/2021
Peth-Vadgaon.

(C.S. Deshpande)
Judicial Magistrate F.C., Peth-Vadgaon.