

MHKO130005472026



Tejpal Yuvraj Kamble Vs. State of Maharashtra Th. Murgud Police Station

ORDER BELOW EXH. 1 IN Cri.M.A. NO. 57/2026

1] Present application is filed by Tejpal Yuraj Kamble for return of muddemal property i.e. 'Vivo' company mobile, model B V40e, Brown Colour, bearing I.M.E.I. No. 865260079018317, 865260079018309, worth Rs. 25,000/- vide section 503 of Bhartiya Nagarik Surakasha Sanhita 2023.

2] Accordingly say of learned A.P.P. & Investigating Officer was called. Learned A.P.P. & Investigating Officer have filed their say and submitted their objection to hand over the custody of the seized property to applicant.

3] It is the case of applicant that said muddemal property i.e. 'Vivo' company mobile, model B V40e, Brown Colour, bearing I.M.E.I. No. 865260079018317, 865260079018309' is seized by the I.O. from the custody of the applicant in C.R. no.34/2026. Ld. Advocate for the applicant submitted that the muddemal is seized by concerned police station and the same is kept idle in the police station. It is also submitted that applicant is owner of said muddemal and applicant

may suffer irreparable loss because of damage caused to the muddemal.

4] Heard the learned advocate for the applicant and learned A.P.P. for the State. Perused the application, say filed by the learned A.P.P. & I.O.

5] Perused the record of the case and document filed on record. On perusal of the record, it appears that, in support of his application, applicant has placed on record affidavit regarding loss of mobile receipt. Applicant has also submitted that he is ready to submit indemnity bond as may be required by the Court. Applicant has shown readiness to abide the terms and conditions laid down by the Court.

6] On perusal of record, it appears that the alleged muddemal i.e. mobile handset had been seized by the Investigating Officer during investigation of the C.R.No. 34/2026 for the offences punishable under section 308(2), 308(5), 308(6), 308(7), 351(2), 352 read with section 3(5) of B.N.S., 2023. As per the prosecution's case, applicant/accused has used the alleged mobile for commission of the alleged offence & for threatening the father of the informant.

7] As per the F.I.R. & prosecution's case, accused in furtherance of their common intention demanded amount of Rs.15,00,000/- via phone call and also personally from the father of

the informant for not lodging the offence in view of provisions of Atrocity and POCSO Act and also they received the amount of Rs. 15,00,000/- and again demanded Rs. 35,00,000/- for permanent settlement of the matter. F.I.R. also reveals that accused threatened father of the informant and regarding the same informant has submitted the pen drive at the police station which reveals the communication between the accused and father of the informant. Moreover, on perusal of the record, it appears that the alleged mobile handset is seized from the custody of the applicant/accused. More importantly, it appears that the alleged mobile phone is used for commission of the alleged offence. Therefore, considering the nature of offence and use of the alleged mobile phone for commission of the alleged offence, the alleged mobile phone is a part and parcel of the evidence.

8] More importantly, it is significant to note that considering the nature of offence, it appears that alleged muddemal is part and parcel of the evidence. It is significant to note that there is material difference in description of the seized mobile and claimed mobile handset. Admittedly, there is no any receipt or documentary evidence produced by the applicant to show his lawful ownership or possession of seized mobile. Considering all these aspects, it is not just and proper to return the alleged muddemal to the accused i.e. applicant. More particularly, if the muddemal is returned to the

applicant/accused, there is possibility that he will destroy all the evidence in the mobile handset. Therefore, the application is deserved to be rejected. Hence, I pass the following order :-

ORDER

The application is rejected.

Place : Kagal.
Date : 04/07/2026

(Smt. Pranita Suhas Patil)
Judicial Magistrate First Class, Kagal.