

MHKO180000562026

**Criminal Misc. Application No.6/2026**

Sou. Najuk Gnapati Gosavi

***Versus***

State of Maharashtra

**ORDER BELOW EXHIBIT 1.**

- 01) This is an application under Section 497 and 503 of Bharatiya Nagarik Suraksha Sanhita (BNSS) for release of kitchen utensils i.e. एक तांब्याचा मोठा हंडा, एक पितळी हंडा, एक पितळी कळशी, चार तांब्याच्या घागरी, दोन तांब्याची पातेली व दोन पितळी पातेली recovered in crime bearing No.24/2026 registered with Kurundwad Police Station.
- 02) Investigating Officer vide his Report (Exh.5) and Ld. APP have submitted their 'no objection' to return the seized muddemal upon imposing appropriate terms and conditions.
- 03) Applicant has filed a photocopy of F.I.R. Application is supported with affidavit. Applicant stated on oath that, the seized muddemal belongs to her which was recovered during the investigation of said crime. She need it for her daily use. She is ready to abide the terms and conditions imposed, if this application is allowed.
- 04) Heard Ld. Advocate for the applicant and Ld. APP for prosecution. Perused the application, say, photocopy of FIR filed on record. Perusal of FIR reveals that, FIR has been lodged by one Atul Bharat Kadam regarding theft of his CCTV cameras from his medical shop, he further stated that claimed muddemal has also been stolen from the house of applicant in his vicinity. Muddemal property is recovered by the police at the instance of accused during investigation. The Report (Exh.5) reveal that, the seized muddemal property belongs to the applicant. The description of claimed property and recovered

property as mentioned in copies of FIR and Say of Police (Exh.5) is also the same. Which sufficiently proves that, the property claimed by applicant belongs to her. In such circumstances, no purpose would be served in keeping said muddemal property lying at police station till conclusion of trial which will take its own time. No other person has claimed said muddemal. The possibility of the damage to the seized property cannot be ruled out if kept lying at the police station. Applicant undertakes that, he will abide all the conditions laid down by the Court.

05) The applicant has *prima-facie* shown her entitlement over the seized property. No one has objected the claim of applicant. I. O. and Ld. APP has submitted their no objection to release the muddemal. In the given facts and circumstances, in my candid opinion, no prejudice will be caused to the prosecution, if the interim possession of seized muddemal is handed-over to the applicant. Thus, considering the ratio laid down in the case of *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 muddemal. Hence, I hold that, applicant is entitled for the interim possession of said muddemal on following conditions. In result, I pass following order :

### **ORDER**

1. The application is allowed.
2. The interim possession of muddemal property i.e. एक तांब्याचा मोठा हंडा, एक पितळी हंडा, एक पितळी कळशी, चार तांब्याच्या घागरी, दोन तांब्याची पातेली व दोन पितळी पातेली seized in crime bearing No.24/2026 of Kurundwad Police Station shall be handed-over to the applicant, till conclusion of trial,

on the applicant executing indemnity bond in total of Rs.40,000/-.

3. The applicant shall not sell or transfer said muddemal property without the prior permission of the Court, nor should she change its nature in any manner till conclusion of trial.
4. The applicant shall produce said muddemal in the Court/Police Station as and when directed.
5. Investigating Officer in the said crime shall prepare detail Panchanama and take necessary photographs of muddemal, at the costs of applicant.
6. Investigating Officer shall attach said Panchnama, photographs and indemnity bond (Supurtnama) with original case papers of said crime.

Date : 11/04/2026.  
Place : Kurundwad.

( V. R. Mane )  
Judicial Magistrate F.C., Kurundwad.