

ORDER BELOW EXH.1

1. Perused application and say filed by I.O. and Ld. A.P.P. Heard both sides. Applicant/accused have filed this application to deliver one Rolex wrist watch worth Rs.5,00,000/- and one Cartier wrist watch worth Rs.25,000/- to them on any conditions.

2. The F.I.R. shows that, applicant has lodged F.I.R. alleging that, police have received information that two persons are expected to arrive at Vaibhav Bar, Cotton Green Station, Kalachowki, Mumbai for sell of two stolen imported watches. Police arranged a trap and conducted body search of the applicants/accused. Two watches were recovered from applicants/accused. F.I.R. was lodged against applicant for possessing stolen watches. Investigation was followed. Ownership of those two watches is not revealed during investigation. Applicants were unable to produce purchase bills or other documents about ownership of those watches.

3. Applicants were posed as an accused in C. R. No.205/2023 for alleged offence under Section 124 of Maharashtra Police Act. Police have seized movable property from the applicants. That property is in the custody of police. The seizure of the property was effected only for the purpose of investigation. After completion of investigation charge sheet was filed. That case is finally disposed off and dismissed by the Court. In view of dismissal of criminal proceeding, the seized property is no longer required for any investigation purpose.

After dismissal of the case retention of the seized property by police officer is illegal. The seized articles are valuable, movable properties of the applicants. Applicants are entitled for possession of seized property. Hence, application be allowed.

4. I.O. submitted that applicants failed to produce purchase bill or any document to show their ownership. Serial number and model number of the watches as mentioned in the application are not visible on the watches. Initially applicants stated that watches are not original. There is no evidence to support contention that relatives of the applicants gifted watches to them. There is no document about payment of custom duty. Applicants are not able to produce purchase bills, therefore, those watches are stolen property. Therefore, application be rejected.

5. Ld. A.P.P. submitted that during investigation muddemal is seized. However, the case is dismissed. Receipt of muddemal property or any other ownership document is not produced by the applicants. Mere guarantee card is not sufficient to prove ownership. Application be rejected.

6. No one, except applicants, has claimed the seized wrist watches till date. Admittedly, the case filed against the applicants/accused is dismissed as charge sheet was time barred. Accused are acquitted on 11.12.2025. After completion of the matter filed against the accused it is necessary to pass order

relating to seized muddemal. Admittedly, there is no complaint about theft of those watches which were seized from the possession of the applicants. Police machinery has not proved that the seized muddemal is a stolen property. Applicants/accused have produced notarized copy of guarantee card relating to seized muddemal. Seized muddemal is not required for further investigation as the matter is already disposed off. Admittedly, the muddemal is seized from the custody of the applicants. It is necessary to consider that, the seized property is wrist watches of applicants and if it is kept lying for a long time without use it will damage. There is a question of safety also. In addition to this the property was in possession of the applicants. Applicants are ready to abide conditions imposed upon them. Considering these observations following order :

Order

1. The seized Rolex wrist watch worth Rs.5,00,000/- and one Cartier wrist watch worth Rs.25,000/- be delivered to applicants on executing supurtnama (indemnity bond) of Rs.5,25,000/- (Rupees Five Lakhs and Twenty Five Thousand only) before the I.O. on the following conditions namely :

- a) They shall produce the watches before the Court as and when required.
- b) They shall not alienate, transfer, gift, sale, modify the wrist watches or shall not create third party interest on the wrist watches in any manner.

2. Investigating officer is directed to take appropriate colour photographs of the wrist watches and to prepare panchanama of the watches before handing over it in favour of the applicant and further directed to produce the panchnama, photographs and supurtnama before the Court.

Date : 01.08.2026

(A. M. Tamne)
Judicial Magistrate (First Class),
15th Court, Mazgaon, Mumbai