

RCC No.312/2021
State Vs. Dipti and oth

ORDER BELOW EXH.10

The applicant Maina Dashrath Dhurve has prayed for releasing in her favour gold ornaments i.e. Golden Chain 10.060 gram and Golden Tops 4.460 grams on suprutnama which according to her is seized by police in connection with crime bearing No.234/2020 registered with police station Nandanvan, Nagpur for offence punishable u/s 420, 406 R/w 34 of IPC.

2. It is contended that applicant is owner of gold ornament and she is having all the relevant document about the ownership of the said ornament.

3. The learned APP and complainant have given no objection to release the above ornament to the applicant. The say of the accused No.1 and 2 is called. The accused No.1 and 2 have filed say on the application contending that they have no objection to allow the allowed in favour of applicant.

4. As per list of documents at Exh.11, copy of invoice of golden ornament and Adhar Card of applicant is filed on record by the applicant. On perusal of documents on record, it appears that gold ornament has been purchased in the name of applicant. Further, it shows that the gold ornament purchased by the applicant before the date of commission of this offence. Therefore, there is no relevancy between the seized ornament and the present crime. In view of documents on record, applicant appears entitled for possession of the same. No purpose would

be served if it is kept pending at police station. Hence, order. :-

ORDER

- 1] Application is allowed.
- 2] The P.S.O., Nandanvan Police Station, Nagpur is directed to release the above referred Golden Chain 10.060 gram and Golden Tops 4.460 grams, seized in crime No.234/2020, on suprutnama in favour of the applicant Maina Dashrath Dhurve subject to following conditions :-
 - A) The applicant shall execute the bond of Rs.50,000/- and mention the following conditions in the bond.
 - B) The applicant shall not alienate or transfer the said gold ornament to anybody without permission of the Court.
 - C) The applicant shall not change the nature of the gold ornament in any manner.
 - D) The applicant shall produce the said gold ornament before this Court, Appellate Court, Revisional Court and other Competent Court as and when ordered.
- 3] The Police Station Officer is directed to prepare the panchnama of handing over of the said gold ornament and take photographs of the same and submit the same in the Court along with chargesheet.

Nagpur
dt. 15.01.2022

(S.B.Pawar)
Chief Judicial Magistrate,
Nagpur.