

MHNB060008532025



RCC No.132/2025

Vikasbhai Sudam Patil

// V/s. //

The State of Maharashtra

ORDER PASSED BELOW EXH. 3 IN RCC No.132 OF 2025.

This is an application filed by applicant Vikasbhai Sudam Patil, under section 497 and 503 of B.N.S.S. for return of gold bangles of 5 tola(50 grams) of Rs. 2,00,000 recovered in C.R. No.674/2024 by Shahada police station under section 305(a), 331(3), 331(4) of Bharatiya Nyaya Sanhita.

2. Applicant submits that, the above mentioned property is seized by Shahada Police Station. He further submits that the above mentioned property is purchased by him for his wife. He further submits that the said property if kept in police station in idle condition then the said property will get deteriorated in value. Therefore, prays to return the property to him.

3. Ld. A.PP for the state has given his say on back leaf of application and submitted that the above mentioned property are stolen articles and they are important evidence and if it is returned to applicant then he may sale, modify or create encumbrance over it. The investigating officer did not oppose the application of applicant and submitted that, the interim custody of articles mentioned above shall be return to applicant with conditions.

4. I Perused the documents submitted along with the application below i.e., Verified copy of Aadhar Card at 5/1, verified

copies of receipt of above mentioned Articles at Exh.5/2 and 5/3 and say of Investigating officer at Exh.7 and I found that, the above mentioned article belongs to applicant.

5. In this context, I referred by the decision of the Hon'ble Apex Court in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat**, reported in **(2002) 10 Supreme Court Cases 383**. If the said muddemal is kept in the police station in idle condition, it will cause damage to it and it will be of no use and no purpose would be served by keeping the said muddemal in the idle condition in police station. It is expedient to hand over the interim custody of said muddemal to the person entitled. The applicant has also undertaken to abide by all the conditions as may be imposed by the Court. Hence, I am of the considered opinion that the applicant is entitled for temporary custody of above mentioned articles on certain terms and conditions. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. The seized muddemal i.e. Gold bangles of 5 tola (50 grams) of Rs. 2,00,000/- shall be returned to applicant on Indemnity bond of Rs.2,00,000/-.
3. The applicant shall produce the seized muddemal property as and when directed by the Court.
4. The applicant shall not sale, modify or create encumbrance on the above mentioned articles.
5. The investigating Officer is directed to take photographs of seized muddemal property from the cost of

applicant.

6. The Investigating officer is directed to prepare the detailed panchanama of seized muddemal property before handing over it to the applicant.
7. The investigating officer is directed to return the seized muddemal property to the applicant after proper verification.
8. Issue letter to Shahada Police Station accordingly.

Shahada
Date : 08/10/2025

(Krunal J. Patel)
Judicial Magistrate F. C., Court No.1,
Shahada, Dist. Nandurbar.