

MHNG090016882025



**ORDER BELOW EXH. 1 IN Gri. M.A. No.125/2025**  
**(Pratibha Sanjay Kawle Vs. The State of**  
**Maharashtra)**

This is an application filed by **Pratibha Sanjay Kawle** to return seized properties i.e. Gold Chapla Kanthi 30 gm, Gold Chain 10 gm, Gold Tops 4 gm, Gold Mangalsutra 30 gm, Gold Ear Zoomer 4 gm, Silver Payal 50 gm and cash Rs.5,000/- seized in Crime No.678/2024 of the Khaparkheda Police Station, Saoner, Dist.Nagpur.

2. Applicant is claiming to be owner of the said golden-silver ornaments and cash and required the same to keep it in custody. According to her, the property belongs to her family. Some articles were purchased by her husband in her name, whereas, some of them were purchased on the name of her husband and her mother-in-law. However, both of them are dead now. Hence, she is the lawful custodian of the all the seized muddemal. Applicant is ready to abide the conditions imposed upon her, while returning the property.

3. Say of I.O., Ld.APP and the accused were called. The I.O. has filed his no objection and prayed to pass appropriate order. Whereas, learned APP has objected the application. He further submitted that, the articles are part and parcel of the evidence as well as bills of articles filed along with record are not belongs to one person. The accused also gave no objection to the present application.

4. Heard both the sides. The applicant has produced copy of her Adhaar card, death certificate of her husband, death certificate of her mother-in-law, copy of FIR and original bills of gold and silver ornaments. From the FIR, it reveals that, the offence is lodged on the

report of informant i.e. this applicant. However, from the bills, it seems that, some of the bills are on the name of deceased husband of the applicant and some bills are on the name of her deceased mother-in-law. It also appears that, the bill of *Chapalkanthi* is on the name of person namely Mangalatai Kore. Hence, say of Mangalatai Kore was also called. In her say she submitted that, she is the sister of applicant and she purchased the article and gifted it to the applicant. She has given no objection to return the seized article to the applicant

5. Nobody has claimed the custody of said seized cash and gold & silver ornaments except the applicant. In the F.I.R. the complainant specifically stated about theft of various gold and silver ornaments by an unknown thief from her custody. The description of the ornaments listed in FIR and that which are seized in this crime matches with each other. As per the say of I.O. the *Gold Chapla Kanthi 30 gm, Gold Chain 10 gm, Gold Tops 4 gm, Gold Mangalsutra 30 gm, gold Ear Zoomer 4 gm, Silver Payal 50 gm and cash Rs.5,000/-* are seized in C.R. No.678/2024. The muddemal has been seized as per the information received from the accused. The Ld. Advocate for the applicant submitted that, in case of proof of her dis-entitlement to the seized cash, gold and silver, applicant is ready to return it. The cash, gold and silver articles are the valuable property. Thus, no purpose would be served in keeping it lying in police station or in the court. Hence, prima facie applicant is seems to be the rightful custodian of the said ornaments. Thus, she is entitled for the temporary possession of it. In the result, I pass following order-

**ORDER**

- 1] Application is allowed.
- 2] Seized property i.e. **Gold Chapla Kanthi 30 gm, Gold Chain 10 gm, Gold Tops 4 gm, Gold Mangalsutra 30 gm, gold Ear Zoomer 4 gm,**

**Silver Payal 50 gm and cash Rs.5,000/-** be handed over to applicant **Pratibha Sanjay Kawale** till conclusion of the trial, on her furnishing indemnity bond of Rs.9,00,000/- (Rupees Nine Lakhs Only) on non-judicial stamp of Rs.200/- on following conditions -

- 3] Applicant shall not transfer the cash, gold and silver ornaments and shall not make any type of change in it.
- 4] I.O. is hereby directed to take the photographs pertaining to delivery of seized gold and silver ornaments to the applicant at the expenses of the applicant and to prepare the *panchnama* to that effect. The said documents be annexed to the charge-sheet.
- 5] Applicant shall produce seized gold and silver ornaments before the Court as and when required.
- 6] Copy of this order be attached to RCC NO. 217/2025.
- 7] The application stands disposed off.

**(Dictated and pronounced in the Open Court.)**

Place : Saoner.  
Date : 10.03.2025.

(Smt. N.V. Ranveer)  
2<sup>nd</sup> Jt. C.J.J.D. and J.M.F.C., Saoner.

The copy forwarded to the PSO PS. -----for information and necessary compliance as per order.

