

ORDER BELOW EXH.01.

The present application filed by the applicant U/s.503 of B.N.S.S. for the interim custody.

2. The applicant is claiming interim custody of Muddemal property 1)Golden ear tops weight 3.5 gram, 2)Goldan *Mangalsutra* with medal and *mani* weight 3 gram, 3)Golden ear tops weight 2 gram, 4)Goldan *Mangalsutra* with 24 *mani* weight 1 gram, 5)Gold dorle weight 1 gram seized by police in Crime No.01/2026 for the offence punishable u/s. 318, 318(1), 318(4), 3(5) of BNS. Now, said muddemal is lying in the police station and due to said it will cause damage. The applicant is ready and willing to abide each and every condition which are imposed upon him and prayed for the interim custody.

3. The learned A. P. P. filed say and contended to pass suitable order. Moreover, the investigation officer filed say and contended that the above muddemal seized by Bela police and it is kept in police station and prayed to pass necessary order.

4. Perused the application, say filed by investigation officer and perused the documents on record. Heard, learned advocate of the applicant and A. P. P. at length. The applicant along with the application filed verified copies of invoice of ornaments.

5. Applicant Usha produced documents to show her ownership. The applicant has filed verified copy of invoice of

golden ear tops and mangalsutra with D-2. It appears that the applicant has purchase same ornaments for the price of Rs.14,962/-. The applicant also produced invoice of her name at D-3 which denotes her name and description of golden ear tops, golden mangalsutra and golden dorle showing amount of Rs.16747/-.

6. On the other hand, accused namely Vijay Sojiram Wagh and Raju Pidsaram Gujaj appeared before the Court and filed their say with affidavit at Exh.06 and contended that they do not having objection to release the said muddemal to the applicant on Supurtnama. I also relied on the judgment of Hon'ble Apex Court, in *Sundarbhai Ambalal Desai Vs. State of Gujarat reported in AIR 2003 SCC 638*, in which Hon'ble Court has given broad guidelines. I have gone through guidelines of Hon'ble Court, and came into conclusion that as the applicant shown her ownership over the said ornaments. Hence, applicant is entitled for the interim custody of the same. In view of the guidelines of the Hon'ble Court I proceed to pass following order.

ORDER

1. Application is allowed.
2. Muddemal property 1)Golden ear tops weight 3.5 gram, 2)Goldan *Mangalsutra* with medal and *mani* weight 3 gram, 3)Golden ear tops weight 2 gram, 4)Goldan *Mangalsutra* with 24 *mani* weight 1 gram, 5)Gold dorle weight 1 gram for the offence punishable 318, 318(1), 318(4), 3(5) of BNS be

released in favor of the applicant namely Usha Keshavrao Neware on executing Supurtnama Bond of Rs.1,00,000/- (Rupees One Lack Only) on following conditions :-

3. The applicant shall not make any changes in the above ornaments till the further order.
4. The Bela Police Station is directed to take separate photographs of each ornament at the cost of applicant and obtained signature of two punch witnesses and applicant thereon.
5. Concerned Police Station is directed to verified original invoices of ornaments and then handover the custody of the said muddemal to the applicant.
6. The concerned Police Station is also directed to prepare detail Panchnama of handing over ornaments to the applicant.
7. The concerned Police Station is directed to filed compliance report.

Date :-02.04.2026

(R. S. Mankar)
Judicial Magistrate, F.C.,
Umred.

| <u>CERTIFICATE</u> | |
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| I affirm that the contents of this P.D.F. file Judgment/Order are same word to word as per the original order. | |
| Name of Court | :- Jt. Civil Judge (Jr.Dn.) and J.M.F.C., Umred, Dist.Nagpur |
| Presiding Officer | :- R. S. Mankar |
| Judgment uploaded by | :- S.B.Ghardinkar (Stenographer L.G) |
| Date of Judgment | :- 02.04.2026 |
| Judgment/Order signed by the presiding officer on | :- 02.04.2026 |