

MHNG180003142026



Cri. M.A. No. 14/2026
Anita-Vs-State of Maharashtra

ORDER BELOW EXH.01

(Passed on 13th March, 2026)

The present application is moved by the applicant namely Anita Krushna Sawadh for grant the custody of **10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket** seized by Kalmeshwar Police Station in connection with Crime No. 77/2026 u/s 305-A ,331(3) of B.N.S.

2] It is submitted that the applicant is the owner of 4 Gram Golden Earrings Tops which is mentioned in para No.1 of the application. It is further submitted that the accused stolen 4 Gram Golden Earrings Tops from the house of applicant at Telkamthi. Therefore, the applicant lodged complaint at kalmeshwar Police Station. Accordingly, an offence punishable under Section 305-A ,331(3)of B.N.S vide crime No.77/2026 came to be registered. During investigation, the police have recovered stolen 4 Gram Golden Earrings Tops from Goldsmith to whom accused has sold stolen article. Therefore, the applicant prayed to grant custody of the seized 10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket.

3] The investigating officer filed say at Exh. 4 and submitted that the police have no objection to handover the custody of the 10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket to the applicant on certain conditions. The I.O. submitted that said Muddemal is seized from accused no.3 and it is custody at Kalmeshwar

Police station. Hence pass suitable order. However, the learned APP filed filed say and submitted there is dispute between claimed property and seized property. Hence, the application be rejected.

4] The record shows that the police authority has seized the aforesaid 10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket from accused no.3 who was involving commission of crime. Accused no.1 to 3 are involved in committing theft at house of informant. But I.O. has specifically submitted that said property is seized from accused no.3. The applicant also relied upon the documents filed along with list of documents Exh.03 i.e. verified copy of bill purchased by the applicant, Copy of Aadhar Card. Applicant has filed two bills on record. Applicant has also filed affidavit stating that she do not have bill of two properties i.e. Gold earring and gold locket as both are received by son of applicant as gifts. On perusal of the bill receipt and FIR, it prima-facie appears that applicant is the possessor of said 10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket. Therefore, the said bill supported the contention of the applicant. Also, the applicant is the informant in the present matter. Further, till today no one has taken any objection and claimed in regard to release the said 10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket. in favour of the applicant.

5] As per the prosecution story the accused has committed a theft at house of applicant who is resident of Ward no.4, Telkamthee, Tah Kalmeshwar, District. Nagpur. Informant and his family went to attend marriage function and on that day accused committed theft of 10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket same thing came to notice of informant on second day when he returned to his house from wedding. The stolen property is recovered as per submission of accused. Considering this fact, I am of the opinion that

the custody of 10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket. can be given to the applicant. Therefore, she is entitled for custody of the 10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket.

6] Considering the nature and gravity of offence, no purpose would be served in keeping the seized property i.e. 10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket. lying in the Police Station Kalmeshwar and trial may take its own time. Moreover, seized Gold Biscuit, gold finger ring and gold locket can be called as and when required by Court. At this juncture, the possibility of the damage to Gold Biscuit, gold finger ring and gold locket can not be ruled out if it kept lying at Police Station Kalmeshwar. In the present crime, nobody except the applicant came before the court to claim in respect of the seized 10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket.. So far as objection raised by learned APP is concerned, it is just and proper to impose conditions, which will suffice the purpose. In view of the directions of the Hon'ble Supreme Court in the judgment of *Sunderbhai Ambalal Desai v. State of Gujrat (A.I.R. 2003 Supreme Court 638)* and the aforesaid reasons, I am of the opinion that the seized 4 gram Golden Earrings Tops be returned to the applicant by imposing following conditions. Hence, the following order :

ORDER

1. The application is allowed.
2. The seized **10 Gram Gold Biscuit, 5 Gram God Earrings, 3 Gram Gold Finger ring, 1 Gram Gold Locket.** be handed over to the applicant **Anita Krushna Sawadh** till the conclusion of the trial on executing indemnity bond of **Rs.2,50,000/-** (Rupees Two Lakh Fifty thousand only) on following terms and conditions :-
 - a. The applicant shall not sale or create third party

interest in the said Gold Biscuit, gold finger ring and gold locket till final disposal of the case.

- b. The applicant shall not change nature of Gold Biscuit, gold finger ring and gold locket till final disposal of the case.
 - c. The applicant shall produce said Gold Biscuit, gold finger ring and gold locket before the Court in any matter arising out of above said crime, as and when directed.
 - d. The applicant hereby strictly restricted from using the Gold Biscuit, gold finger ring and gold locket for any offenses or illegal purpose.
3. **The Investigating officer is hereby directed to -**
- a. Take photographs of said Gold Biscuit, gold finger ring and gold locket through all angles and prepare detail panchnama of said 4 Gram Golden Earrings Tops which shall be countersigned by the applicant.
 - b. The Investigating officer is directed to file photographs and panchnama in the Court along with chargesheet.
 - c. The applicant to execute Indemnity before concerned Investigation Officer.
 - d. The Concern Clerk is directed to attach Indemnity Bond papers along with charge sheet of Crime No. 77/2026.

Sd/-

(Saurabh B. Mandwe)

Judicial Magistrate First Class,
Kalmeshwar.

Date : 13/03/2026