

MHNG180004992026



Order Below Exh.No. 1

This application has been filed by the applicant to return his mobile to him under section 503 of the B.N.S.S. 2023.

2. Heard learned APP for the State and Learned Advocate of the Applicant.

3. The applicant in the application submitted that, he is owner of VIVO Y 27 BLUE COLOUR mobile bearing IMEI No. 860492061319776. Police have registered Crime No. 220/2026 against the applicant under section 12 of Maharashtra Prevention of Gambling Act. The applicant filed verified copy of mobile bill which shows that he is the owner of the seized mobile. Applicant further submitted that, he will not sell, change and will not disposed off the said mobile. He will produce the said mobile before the Court when directed and required for the trial of the case and will abide all terms and conditions if imposed by the Court.

4. The learned APP filed her say on application and submitted that accused was ran away from the spot at the time of raid and left his mobile on the spot. She further

submitted that if this mobile is released, accused will use it again to do similar act. I.O. has filed his say and took objection to this application.

5. Perused the application and the documents filed along with it. From the documents, the applicant appears to be the owner of the seized mobile. Police have not submitted that what is evidenciry value of the mobile in the matter. Therefore, no purpose would be served in keeping the seized mobile lying in the police station without sufficient reason. The possibility of the damage to the property cannot be ruled out, if kept lying in the police station. The trial would not be concluded shortly.

6. Considering the nature of the seized property, its protection, guarding and safe custody are not practicable. Looking into the nature of the seized property, it may be degenerated or may lose its worth value. As the applicant has shown his ownership over the seized property, he is entitled to the possession of the same. Hence, I pass the following order.

ORDER

1. The application is allowed.
2. The property namely VIVO Y 27 BLUE COLOUR mobile bearing IMEI No. 860492061319776 be handed over to the applicant till the conclusion of the trial on the applicant executing indemnity bond of Rs. 10,000/-

(Rs. Ten Thousand only) .

3. The applicant to undertake that he shall not sell, modify or transfer VIVO Y 27 BLUE COLOUR mobile bearing IMEI No. 860492061319776 without the prior permission of the court. The applicant to maintain and preserve the property in all respects.
4. The applicant shall produce the property in the court as and when directed. He shall not use said mobile in the same crime.
5. The Investigation Officer is directed that he shall take necessary data or information from the mobile and take photographs of the said property and prepare panchanama and submit it in the court.

Place :-Kalmeshwar
Date:- 16.03.2026

(R.L Rathod)
Judicial Magistrate First Class,
Kalmeshwar.

CERTIFICATE

I affirm that the contents of this P.D.F. file of order are word to word, as per original order.

Name of Stenographer - R.M. Parmal (Grade-III)