

ORDER BELOW EXHIBIT-1 IN O.M.A. NO. 111 OF 2021

1. The applicant has filed application for release of property under Section 457 of Criminal Procedure Code. The applicant has averred that his gas cylinder of H.P. Company and an amount of Rs. 10,000/- is seized in crime no. 104/2021 for the offence under sections 454, 457 & 380 of the Indian Penal Code of P.S. Sinnar, Tal. Sinnar. The applicant is owner and possessor of said cash and gas cylinder. The application may be allowed and said cash and cylinder may be released.
2. Investigating officer has filed say and submitted that he has no objection to return the cylinder and cash to the applicant on certain terms and conditions.
3. The learned A.P.P. has filed the say and prayed for rejection of the application. He submitted that the seized muddemal is essential at the time of evidence. There is possibility of changing of colour, nature and sale of muddemal. Necessary orders may be passed.
4. For the release of goods, it is necessary to take into consideration the prima facie title of the goods. The applicant has filed verified copy of gas card and xerox copy of Aadhar Card on record. On perusal of F.I.R. it reveals that one Santosh Champalal Darange is the original informant. He has filed pesis on record stating that he has no objection to hand over the interim custody of the cylinder to the applicant. Applicant has also claimed an amount of Rs. 10,000/-. But ownership of said cash will be decided at the time of evidence. Hence, at this stage it will not be proper to hand over the interim custody of the cash to the applicant. The applicant has proved his prima-facie title over the cylinder. In view of above reasons I proceed to pass following order:-

ORDER

1. Application is allowed.
2. The Police Inspector, Sinnar Police station is directed to hand over interim custody of gas cylinder to the applicant on his executing supurdnama of Rs. 2,000/- (Rs. Two Thousand only) on the condition that he shall deposit amount of supurdnama in the Court, if directed.
3. I.O. to take colour photograph of the cylinder and prepare its panchanama.
4. Supurdnama be attached to the charge-sheet when filed.
5. Issue letter to the Police Inspector, Sinnar Police Station accordingly.

DATE: 28.05.2021.

Sd/-xxx
(Smt.C.V.Shirsat)
Judicial Magistrate F. C.,
Sinnar.