

MHOS070001532022	<u>Crim. Misc.Appln.No. 30/2022</u>
	<u>Manohar Vithalrao Sasture</u>
	<u>Versus</u>
	<u>Ratan Bhanudas Rankhamb & another</u>
	<u>CNR No.MHOS07-000153-2022</u>

ORDER BELOW EXH. NO.1

1 The present application is filed by the applicant under Section 94 of the Code of Criminal Procedure 1973 for issuance of search warrant in respect of the Electric Motor owned by the applicant.

2 The applicant in his application has contended that, he had purchased the electric motor on 16-11-1984 from Manju Electrical Industries, Ltd. Sikandarabad. The said electric motor was stolen in the year 2017 and due to that the applicant had filed the complaint at Murum Police Station. On 02-05-2019 at about 7.00 a.m. when the applicant was proceeding from the well of the non-applicants at that time the applicant saw a similar electric motor as that of his own near the well of the non-applicants. Hence, the applicant got confirmed that the said electric motor was stolen by the non-applicants. Thereafter, the police machinery did not proceed further in the above matter and hence the applicant has filed the present application for issuance of search warrant.

3 The non-applicants in spite of sufficient opportunity failed to file their say, hence this application proceeded without say of the non-applicants.

4 Perused the above application. Heard the learned Advocate of the applicant. According to Section 94 of the Code of Criminal Procedure,

1973 if the Judicial Magistrate, First Class upon information and after such inquiry as he think necessary has reason to believe that any place is used for the deposit of the stolen property then he may issue a search warrant. In the instant case also, on the perusal of the application it appears that, the non-applicants have used a certain place for the deposit of the stolen property. Therefore, considering the above circumstance I proceed to pass the following order.

ORDER

1	The application is allowed.
2	The police officer above the rank of constable shall enter with such assistant as may be required at the place where the well of the non-applicants is situated and shall search for the electric motor and if found, shall take into their possession.

Date:- 15-10-2022

(Smt.M.P. Mathure)
Judicial Magistrate, First Class,
Court No.2 Omerga.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	---	Shri K. D. Adwant
Court	---	2 nd Jt.C.J.J.D. & J.M.F.C. Omerga.
Date	---	15-10-2022
Order signed by the Presiding Officer on	---	15-10-2022
Order uploaded on	---	15-10-2022