

CNR No.MHPU01-015259-2017

Mrs. Megha D. Chavan

Versus

State of Maharashtra

(Through Uttam Nagar Police Station)

Order below Exh.2 in Sessions Case No. 856/2017

1. Applicant/complainant-Mrs. Megha Chavan has filed this application for interim custody of the seized gold ornaments more particularly described in para No.1 of the application (Exh.02).

2. I perused record. Heard both the sides.

3. It seems that on the basis of report lodged by Mrs. Megha Chavan, a Crime No.22/2017 for the offences punishable under section 454, 380, 411, 413 r/w.s. 34 of the Indian Penal Code came to be registered at Uttam Nagar Pune City Police Station. Moreover, from the charge sheet, it reveals that on 06/03/2017, accused have committed theft in the house of applicant/complainant-Mrs.Megha Chavan. Moreover, from the charge sheet, it reveals that during investigation, it is disclosed that the accused Nos. 1 to 3 have committed theft in the house of complainant and the same were sold to accused No.4 and police have seized the said gold ornaments from the custody of the accused No.4. Accused No.4 in his say submitted that he has no objection to hand over the interim custody of the gold ornaments to the applicant/complainant-Mrs. M. Chavan as the said articles were not seized from him. Learned APP and Investigating officer have not filed Say. Moreover, from the charge sheet, it reveals that the statement of applicant/complainant came to be recorded by Investigating officer on 07/03/2017, in which, she has given description of the gold ornaments, which were stolen from her house, which are match with the seized gold ornaments. Therefore, in my view if the seized gold ornaments will return to the applicant on certain conditions, no prejudice will be caused to the prosecution.

Hence, I pass the following order.

Order

- i. Application (Exh.02) is hereby allowed.
- ii. Interim custody of the seized gold ornaments i.e.
 - a) Gold mangalsutra, weighing 25 gms,
 - b) Gold tops, weighing 2 gms
 - c) Gold ring weighing 2 gms.

be handed over to applicant-Mrs.Megha Dattatray Chavan, on executing supratnama bond of Rs.50,000/- (Rs. Fifty thousand only), on the condition that not to change form of the seized articles, not to transfer or convey and produced the same in the court whenever required.

- iii) Inform concerned Police Station accordingly.

Pune

Date-24/09/2018

(K. D. Vadane)

Additional Sessions Judge, Pune

“I affirm that the contents of the PDF file order are same word to word as per original judgment.”

Name of Steno : Shri S. B. Gore, Stenographer Grade-I
Court Name : K.D. Vadane , Addl. Sessions Judge, Pune
Date : 24/09/2018
order signed by presiding officer on : 24/09/2018
Order uploaded on : 25/09/2018

