

RCC No. 1546/2020
Cr No. 394/2020
Nigadi Police Station

CNR No.-MHPU09-018616-2020

ORDER PASSED BELOW APPLICATION DATED 19/01/2021

The present application has been filed by applicant namely Nalini Harinath Godbole, R/o. Sinhagad Housing Society, Flat No. 15/ RH 25 MIDC, Sambhajinagar, Chinchwad, Pune for return of property described as Gold Mangalsutra under the provision of Cr.P.C.

02. The Ld. A.P.P. has filed say wherein he has stated his no objection to grant the present application. From the argument advanced on behalf of both sides, following points arise for my determination. Those points alongwith its reasons and findings are given below.

<u>Sr. No</u>	<u>Points</u>	<u>Findings.</u>
1.	Is the applicant entitled to return the property described as Gold Mangalsutra temporarily ?	... Yes.
2.	What order ?	... Application is allowed.

REASONS

As To Point Nos. 1 And 2 :-

03. As these points are interlinked with each other, hence they are taken together for discussion. It is now well established

principle that it is for the Magistrate to pass appropriate orders immediately by taking appropriate bonds and guarantee as well as security for return of the property, if required at any point of time. It appears that the property described in para 1 i.e. Gold Mangalsutra has been seized by the Nigadi Police Station in Crime Register No. 394/2020 registered under Sec. 392 r/w. 34 of the IPC wherein charge-sheet is now on record which has been registered and numbered as RCC No. 1546/2020.

04. An applicant has stated in this application that the property described in the para 1 of the petition, is belonging to her. It is further contended by the applicant that if the property is not delivered in her hands then she will suffer an irreparable loss and, therefore, the property may be delivered in her possession subject to suitable conditions to be imposed upon her. The prosecution has submitted subject to verification of necessary documents with regard to the property in question he has no objection to allow the prayer. So also, I have gone through the affidavit of applicant. It seems that, applicant does not have the purchase receipt of property in question. However applicant appears to be informant in the present matter. Therefore, applicant is prima facie entitled to get temporary possession of the property i.e. Gold Mangalsutra described in para No.1 of the petition. There is nothing contrary on record to show that the applicant is dis-entitled to get the immediate possession of the property. No purpose would be served by keeping the property with the police station in view of ratio laid down in **Sundarbhai vs. State of Gujrat reported in 2002 (12) LJSOFT (SC) 34.** While allowing the application; certain conditions need to be imposed

upon the applicant. Therefore, in view of above all discussion, I answered point No.1 in affirmative. In the result , in answer to point No.2, I proceed to pass following order.

ORDER

1. Application is allowed.
2. The Nigadi Police Station is directed to hand over the interim custody of the property described in Para No. 1 of the petition as Gold Mangalsutra to the applicant namely Nalini Harinath Godbole, R/o. Sinhagad Housing Society, Flat No. 15/ RH 25 MIDC, Sambhajinagar, Chinchwad, Pune subject to following conditions:
 - A. Applicant is directed to execute an indemnity bond as per the valuation of the property described as above approximately Rs. 10,00,000/-(Rs. Ten lac only) on the stamp paper of Rs. 1000/- or such a value of stamp rupees as required as per rules. The bond be furnished before this Court.
 - B. Applicant is directed to undertake not to dispose of or alienate the property in any way or change/modify the property in any manner, till the conclusion of trial.
 - C. Applicant is also directed to undertake that he shall produce the property as and when required by this court.

- D. Applicant is also directed not to commit any offence by misusing the said property.
- E. Application stands disposed of accordingly.

(Pronounced in Open Court.)

Date :19th January, 2021.

(R.R. Kale)
Judicial Magistrate F.C.,
Pimpri, Pune

CERTIFICATE

I affirms that the contents of this P. D. F. file Order are same word for word as per original Order.

Name of the Court	:-	Smt. R.R. Kale, J.M.F.C. & 2 nd Jt. C.J.J.D., Pimpri, Pune
Name of the Steno	:-	Smt. V.J.Patil.
Date	:-	19/01/2021
Order signed by presiding officer	:-	19/01/2021
Order uploaded on	:-	21/01/2021