

MHPU230015792023



Reg. Criminal Case No. 468/2023
State Vs. Amar & ors.

ORDER BELOW EXHIBIT 12

1] Applicant Nilambari Dnyaneshwar Pawar has filed present application U/sec. 451 of the Code of Criminal Procedure, 1973 for return of seized muddemal in C.R.No.292/2022 registered with Police Station, Alandi for offence punishable U/sec. 392 read with section 34 of The Indian Penal Code.

2] Applicant has contended that the seized gold ornament locket weighing 23 grams is owned by her.

3] Ld.A.P.P. filed say at exhibit 18. Ld. A.P.P has objected the application and has submitted that the muddemal is part and parcel of evidence. If the same is returned applicant will sell, modify or alter its nature. Investigation officer filed say at exhibit 17. In the say the seized gold ornament is shown as weighing 13 grams. Therefore, clarification was sought by investigation officer. Today, I.O. again filed say. Vide say it is reflected that the seized gold ornament is weighing 23 grams. I.O. has not objected the application. I.O. submitted to return the seized property to applicant on terms and conditions.

4] Perused the record. Applicant has produced the verified copy of receipt of gold ornament of 23 grams below list exhibit 14. From the documents filed on record, it reveals that applicant is the owner of seized gold ornaments. The trial of the case will need some time. No purpose will be served by keeping the seized gold ornament in police station. It will be appropriate to release the gold ornament by imposing certain condition.

Hence, the following order-

ORDER

- 1] Application is allowed.
- 2] The interim custody of seized gold ornament of 23 gram be given to applicant on indemnity bond of Rs.75,000/-.
- 3] Investigation officer is directed to take photographs of the seized gold ornament and to file the same on record.
- 4] Issue letter to Police Station, Alandi accordingly.

Sd/-xxx

(Saritha Vishwambharan)

Judicial Magistrate First Class

2nd Court, Khed-Rajgurunagar, Pune

Khed-Rajgurunagar

Date :- 12/12/2023

<u>CERTIFICATE</u>		
I affirm that the contents of this P.D.F. file Order/Judgment is same word for the word as per original Order/Judgment.		
Name of Steno	:-	Shri. S. S. Shirode, Steno (Grade-3)
Court Name	:-	Saritha Vishwambharan, 2 nd Jt. CJJD & JMFC, Khed-Rajgurunagar, Pune
Date of Order/Judgment	:-	12.12.2023
Signed by PO on	:-	12.12.2023
PDF uploaded on	:-	12.12.2023