

MHPU240002482025 	<u>RCC. No.50/2025</u> State of Maharashtra Vs. Alamsingh Bamniya & Ors.
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Order Below Exh. 18-A
(Passed on 8th August, 2025)

This is an application filed by original complainant namey Laxman Arun Datkhile under section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 for return of property i.e. **34.910 Gram Gold Ingot** seized by Manchar Police Station, Tq. Ambegaon in this crime registered for offence punishable **under section 305, 331 (33), 331 (4) of Bhartiya Nyay Sanhita 2023.**

2. It is submitted by the original complainant that on 01/12/2024 at about 09.30 pm there was theft committed in his house and ornaments i.e. 32.510 gram Gold Mangalsutra, 5 gram Gold Ring, 12 gram Gold Neckless, 5 gram Gold ear ring and 1 gram gold nose ring stolen from his house by the unknown accused. The said ornaments belongs by him, his wife and his father. Therefore, he lodged report to the Manchar Police Station. On the basis of the report present crime came to be registered for the offence punishable under section 305, 331 (33), 331 (4) of Bhartiya Nyay Sanhita 2023.

3. It is further submitted by the applicant that during investigation police have seized the claimed 34.910 gram Gold Ingot from the accused. Accused have converted stolen ornaments of the applicant into Gold Ingot which is seized from the accused. Therefore, applicant has claimed said ingot.

4. I.O. has filed his say and given to objection to give said gold ingot to the original complainant. Ld. A.P.P. has filed her say and opposed this application contending that the said gold ingot is material piece of evidence and if it given to the original complainant he may sale it. Say of accused is also called. They have filed their say and submitted that the said gold ingot is not o their.

5. Perused the application and say filed thereon. Heard, both side. Admittedly, present crime is registered on the basis of report lodged by the present original complainant in which the complainant has alleged to that the above mentioned golden ornaments and cash amount stolen by unknown accused from his house. It appears that during investigation police have seized she claimed gold ingot from the accused contending that accused have converted stolen ornaments of the applicant in to said gold ingot. Investigation Officer has also given no objection to give said gold ingot to the original complainant. Accused have also denied their ownership over said gold ingot and also not claimed said gold ingot.

6. **Hon'ble Bombay High Court in case of Bhagwan Shriram Ahirrao Vs. State of Maharashtra, decided on 27/04/2012** held that if the gold ornaments of complainant stolen by the accused and converted into gold ingot, the custody of said ingot should be given to the complainant. In the present in hand the ornaments of the original complainant were stolen from his house. The investigating agency seized claimed gold ingot from the accused contending that the gold ornaments of the original complainant converted into said gold ingot by the accused. Therefore, in view of aforesaid judgment of Hon'ble Bombay High Court and considering the submission made

by the parties, I am of the view that the original complainant is entitled to get interim custody of said seized gold ingot. The original complainant has filed this application for himself and for his wife and father in law and also produced copy of power of attorney executed by his wife and father in law in his favour. He has also produced copy of bills of his ornaments. Hence, I proceed to pass the following order:

ORDER

1. Application Ex. 18-A is allowed.
2. Interim Custody of seized **34.910 Gram Gold Ingot** be given to the original complainant namely **Laxman Arun Datkhile** upon furnishing bond in sum of Rs.2,50,000/- (Rs.Two lack Fifty thousand only).
3. I.O. is hereby directed after furnishing bond to prepare detail proper panchanama of said **34.910 Gram Gold Ingot** and take photographs of it and with condition to produce it at the time of trial, if required.
4. I.O is hereby directed to take sufficient photograph of said **34.910 Gram Gold Ingot** with attention of original complainant.
5. The original complainant shall not sell, transfer the said **34.910 Gram Gold Ingot** or he shall not create third party interest without prior permission of the Court and he shall not change the colour and nature of the **34.910 Gram Gold Ingot**.
6. The original complainant shall produce the said **34.910 Gram Gold Ingot** before the police and the court as and when required.

7. Original complainant shall satisfy future claimant, if any.
8. Issue letter to Manchar Police Station accordingly.

Date : 08/08/2025.
Ghodegaon

(Santosh L. Vaidya)
Judicial Magistrate, F.C.,
Ghodegaon, Dist. Pune.