

MHPU260039462024

**R.C.C./608/2024****State of Maharashtra through Talegaon
MIDC Police Station**

V/s.

**Shri. Sudarshan
Chandrapatale****Vishnukant****Order below Exh.7.**

1. This is an application for return of property filed by applicant Shri. Kishor Subhash Sutar which is seized by Talegaon MIDC Police Station, Pune. The property i.e. **I) Bangals of Gold weighing at 2 tola valued at Rs. 80,000/- , II) One Chain of Gold, weighing at ½ tola valued at Rs. 20,000/- III) One Gold Mangalsutra, weighing at 1 tola at Rs. 20,000/- IV) Two gold Earrings, weighing at 1 tola Total valued at Rs. 1,40,000/-** are seized under C.R. no.134/2024 for the offense punishable under section 379 of IPC.

2. Perused the application. It is supported by an affidavit of the applicant at Exh. - 8. Applicant asserted that said property i.e. **I) Bangals of Gold weighing at 2 tola valued at Rs. 80,000/- , II) One Chain of Gold, weighing at ½ tola valued at Rs. 20,000/- III) One Gold Mangalsutra, weighing at 1 tola at Rs. 20,000/- IV) Two gold Earrings, weighing at 1 tola Total valued at Rs. 1,40,000/-** are seized by the Talegaon MIDC Police Station, Pune. He was using that gold ornaments for his daily use. Due to it's seizure, now he is suffering a loss. If said gold ornaments are kept in police station it will get damaged, and it's value will diminish. Therefore, he has prayed for return of it to her on his executing bond.

The applicant has filed following documents-

- i. Verified copy of Aadhar Card of applicant.
- ii Copy of FIR.

iii Verified Copy of Purchase bill of gold Ornaments.

3. The Ld. APP submitted that seized property is valuable evidence and the same is required during the trial. Hence prayed to reject the application. I.O did not file say hence application is proceeded without his say.

4. Perused the application and documents on record. Also considered the reply by Ld. APP. The applicant has filed proof regarding ownership of the gold ornaments, i.e. purchase bill issued by Gold Smith Shalimar Jewellers, Sita Jewellers, Kalyan Jewellers. The purchase bills are in the name of Bhagyashri Sutar. The Ld. Adv. Smt. M. B. pawar For the applicant submitted that, Bhagyashri Sutar is wife of the applicant and applicant has registered FIR no. 134/2024. Therefore it appears that, the applicant is owner of the seized gold ornaments. Hence it can be presumed that applicant is owner of the seized gold ornaments. So also considering the nature of property seized, it's protection, guarding and safe custody is not reasonably practicable while keeping it in custody of police. It may be degenerated or may lose its worth and value. Use of those gold ornaments is daily need of the applicant. The applicant is entitled for interim custody of said gold ornaments. Thus, in the interest of justice he is entitled for the interim possession of the same. Further directions by the **Hon'ble supreme court in the judgment of *Sunderbhai Ambalal Desai v State of Gujrat 2002 supp(3)39* are very much clear in this regard.** Therefore, following order is passed as per section 457 of IPC.

ORDER

1. The application Exh. 7 is allowed.
2. I.O. of Talegaon MIDC Police Station is directed to hand over interim possession of seized gold Article i.e. I) Bangals of Gold weighing at 2 tola valued at Rs. 80,000/- , II) One Chain of Gold, weighing at ½ tola valued at Rs. 20,000/- III) One Gold Mangalsutra, weighing at 1 tola at Rs. 20,000/- IV) Two gold Earrings, weighing at 1 tola Total valued at

Rs. 1,40,000/- to the applicant till conclusion of trial on his executing bond of Rs.1,40,000/-.

3. The applicant to undertake that, he shall not sell, transfer, gift or destroy or otherwise alienate the said seized property without prior permission of the Court. The applicant shall maintain and preserve the property in all respect.
4. The applicant shall produce the property in the Court as when directed.
5. I.O. is directed to that prepare proper panchanama and applicant to take photographs of the property from all sides and handover the same to I.O. to file the same along with charge sheet.

Place : Vadgaon Maval
Dated : 09.05.2025

(Shri. V. R. Doifode)
3rd Jt. CJJD and JMFC,
Vadgaon Maval, Pune.

CERTIFICATE

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

Name of Steno : M. B. Ingole

Court Name : Shri. V. R. Doiphode, 3rd
J.M.F.C. Vadgaon Maval, Pune.

Date of order : 09.05.2025

Order signed by P.O. : 09.05.2025

Order uploaded on : 09.05.2025