

MHRG030000692019



R.C.C. No. 71/2019

(The State Vs. Ajay Jaggu Pujari
and Ors.)

CNR No. MHRG030000692019

:: ORDER BELOW EXH. 33 ::

Perused application, say given by the learned A.P.P. below Exh. 37 and accused No. 03 below Exh. 36. Heard advocate of the applicant, learned A.P.P. and accused No. 03.

02. The applicant Indumati Tukaram Patil has filed application under section 457 of the Code of Criminal Procedure praying to release the seized golden ornaments mentioned in the application. Learned A.P.P. objected that no document showing her ownership over the said ornaments is filed. Accused No. 03 has the same objection along with other i.e. the applicant will not produce the said ornaments as and when required if they are released and they are seized in other crime by Pen police.

03. What is to be seen while deciding application of releasing property which is seized in any crime that an applicant is owner of the said property or the property seized from his possession, if the property is released an applicant will produce the same whenever required during trial and will abide by conditions which imposed by a Court.

04. So far as fulfillment of these requirements, the

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applicant has filed affidavit Exh. 43 as well as affidavit of her husband Tukaram Patil Exh. 44 stating on oath that the applicant is owner of the said ornaments. There is no counter affidavit on the part of any objector. Not only this the applicant on affidavit assured that she will produce the said ornaments whenever the Court will order to produce and will not do anything with the said ornaments which will hamper the trial.

05. The said assurance on the part of the applicant that too on affidavit, is sufficient to make her eligible to have the said ornaments in her possession. The applicant is an informant in the case examined during trial below Exh. 25 wherein she deposed that the said ornaments were in her possession.

06. Accused No. 03 submitted that discovery panchnama in regard to section 27 of the Indian Evidence Act about discovery of facts is photocopy and original panchnama is with Pen Court which is not yet proved. This fact has nothing to do with the said application. As the applicant submitted that she is owner, took out the said ornaments from her possession and will abide by all the conditions of the Court, is sufficient to release the property. In the result, I pass the following order.

:: ORDER ::

01. The application is allowed.
02. The seized golden ornaments mentioned in the application be returned to the applicant Indumati Tukaram Patil on execution of bond of Rs. 1,00,000/- (Rs. One Lakh only).
03. The applicant shall not dispose off the said

ornaments in any manner till termination of the case.

04. She shall not change nature of the said ornaments till termination of case.
05. She shall produce the said ornaments before the Court as and when ordered for.
06. The applicant while receiving the said ornaments shall take coloured photographs and shall submit the same in the case.

Alibag.
Date : 15/09/2023.

(S.W. Ugale)
Chief Judicial Magistrate,
Raigad Alibag