

MHRG090001762026



Cri. M. A. No. 17/2026
Sadhana Nitrochem Vs. State & Ors.

ORDER BELOW EXH.01.

This application is filed for release of 230 kg. catalyst-1% platinum on carbon (hereinafter for short referred to as the seized catalyst powder) which is seized by Roha Police Station in connection with Cr.No. 298/2025, on the ground that applicant needs the seized catalyst powder as it is perishable and it will be deteriorated if kept lying at Police Station.

2. Investigating Officer has filed his say at **Exh. 6** whereby he has given no objection to give seized catalyst powder to the applicant. Learned APP has filed his say overleaf the application and prayed to pass necessary order.

3. Heard Ld. Advocate Shri. R. B. Sawant for the applicant. He argued that if seized catalyst powder is kept at police station it will be deteriorated and its quality and market value will be diminished. He also argued that the applicant is ready to get the test the catalyst powder through chemical analysis from reputed chemical laboratory before receiving its custody. Hence, Shri. Sawant prayed to grant the application.

4. Perused the record. It appears that Cr. No. 298/2025 is registered at Roha Police Station for committing offence of theft of seized catalyst powder. Said crime is registered for offence punishable under section 305(a), 331(3) & 331(4) of Bharatiya Nyaya Sanhita

2023. Seized catalyst powder is recovered during investigation. The applicant produced photostat copies of bills of seized catalyst powder. After perusing copy of FIR produced at **Exh.15** it appears that the applicant being manager of Sadhana Nitrochem Limited Company has filed complaint about theft of seized catalyst powder. Further, nobody came before the court by claiming that the applicant does not belong to seized catalyst powder. Rather, as per say filed by Investigation Officer at Exh.06 it is confirmed that the applicant himself filed complaint about theft of seized catalyst powder & his company is owner thereof.

5. Even the non-applicant no.1, 2, 3, 4, 10 & 11 who are accused in aforementioned crime have also filed their no objection to give custody of the seized catalyst powder to the applicant. Hence, it will be appropriate to give custody of seized catalyst powder to the the applicant who appears to be entitled to get its custody. Further, in view of aforementioned ratio of Apex Court, it is cleared that unless the seized property is absolutely necessary for inquiry or trial, court cannot retain the same either in custody of the court or in custody of police for any longer time. Moreover, interest and apprehension of prosecution can be safeguarded by imposing conditions. Hence, following order.

ORDER

1. The application is allowed in following terms.
2. Investigation Officer in Crime Register No. 298/2025 of Roha Police Station is directed to hand over the **seized 230 kg. catalyst-1% platinum on carbon** to the applicant till conclusion of the trial, by executing his indemnity bond of **Rs.90,97,197/-** (Rupees Ninety Lakh Ninety Seven Thousand One Hundred Ninety Seven Rupees only) as representative of company.

3. Investigation Officer in Crime Register No.298/2025 of Roha Police Station is directed to snap photos of seized catalyst powder and prepare panchanama while handing over the seized catalyst powder to the applicant.
4. The applicant to undertake that, he shall not sell or change the nature of seized catalyst powder without prior permission of the court. The applicant to maintain and preserve the seized property in all respects.
5. The applicant shall produce the seized catalyst powder in the Court as and when directed.
6. This proceeding be tagged along with Crime Register No. 298/2025 of Roha Police Station.
7. Investigation Officer in Crime Register No. 298/2025 of Roha Police Station to file indemnity bond executed by the applicant and panchanama with photographs along with the charge sheet/ report in this court.

Date : 19.05.2026.

Place : Roha

(S. V. Khaire)
Judicial Magistrate First Class,
Roha.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original Order.

Name of the Stenographer : Shri. A. A. Nakhawa

Court : CJJD & JMFC Court, Roha.

Judgment /Order Date : 19/05/2026

Judgment/Order signed by the : 19/05/2026
Presiding Officer on

Judgment/Order uploaded on : 19/05/2026