

MHRG090001782026



Cri. M. A. No.18/2026.

Mahadev Kotkar Vs. State

**ORDER BELOW EXH.NO.01.**

1. This application is filed for release of **Gold Ornaments** i.e. One old used golden chain having fish shaped leaf weighing 26.660 gm worth Rs.1,47,100/-, one old used ear ring weighing 0.450 m.gm worth Rs.2350/- and old used golden ear tops having design like Hibiscus flower weighing 5.650 gm worth Rs.28.250/- (hereinafter for short referred to as the seized ornaments) which is seized by Roha Police Station in connection with Cr. No.308/2025. The applicant requires seized ornaments for his daily use. Hence the application.
2. Investigating Officer has filed his say at **Exh.6** whereby he has given no objection to release seized ornaments to the applicant with certain conditions. Ld. APP has also given his no objection to give seized ornaments to the applicant since he himself lodged FIR for its theft.
3. The Hon'ble Supreme Court in ***Sundarbhai Ambalal Desai V/s. State of Gujarat, 2002 (10) SCC 283*** observed that 'the object and scheme of the various provision of the code appear to be that where the ornaments which has been subject matter of an offence is seized by police, it ought not to be retained in the custody of the court or of the police for anytime longer than what is absolutely necessary.
4. In present case initial investigation seems to be completed.

The applicant produced purchase bills of seized ornaments at **Exh.10 to 14** which appears in his own and his family members name. Further, nobody came before the court by claiming that the applicant does not belong to such ornaments. Rather, as per say filed by Investigation Officer at Exh.06 it appears that the applicant himself filed complaint about theft of seized ornaments. Further the non-applicant no.1 who is accused in aforementioned offence and from whose possession seized ornaments are recovered filed her no-objection at Exh.8 to give seized ornaments to the applicant. Hence, it will be appropriate to give interim custody of seized ornaments 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.
  - A. Investigation Officer in Crime Register No. 308/2025 of Roha Police Station is directed to hand over the seized **Gold Ornaments i.e. One old used golden chain having fish shaped leaf weighing 26.660 gm worth Rs.1,47,100/-, one old used ear ring weighing 0.450 m.gm worth Rs.2350/- and old used golden ear tops having design like Hibiscus flower weighing 5.650 gm worth Rs.28.250/-** to the applicant till conclusion of the trial, by executing his indemnity bond of **Rs.8,00,000/-/-** (Rupees Eight Lakh only).

- B. Investigation Officer in Crime Register No.308/2025 of Roha Police Station is directed to snap photos of seized ornaments and prepare panchanama while handing over the seized ornaments to the applicant.
- C. The applicant to undertake that, he shall not sell or change the nature of seized ornaments without prior permission of the court. The applicant to maintain and preserve the seized ornaments in all respects.
- D. The applicant shall produce the seized ornaments in the Court as and when directed.
2. This proceeding be tagged along with Crime Register No. 308/2025 of Roha Police Station.
3. Investigation Officer in Crime Register No. 308/2025 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 : 12.03.2026

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