

Order below Exh. 03 in R.C. C. no. 93 of 2015
CNR No. MHRG10-000448-2015

This an application filed by Assistant Police Inspector police station M.I.D.C. Mahad for disposing of seized muddemal (property) under Section 451 of Code of Criminal Procedure.

2] According to him, in C.R. no. 24/2014 of police station M.I.D.C. Mahad registered under Section 379, 285, 511 read with 34 of Indian Penal Code, 1700 liter acetic acid, 700 liter toynig chemical, 900 liter mixalin chemical, 300 liter ethyne chemical, 100 liter I.P.A. chemical, 100 liter Vam chemical was seized from accused. It is in custody of M.I.D.C. Police station. Investigation is complete and chargesheet has been filed.

3] The chemical is dangerous and highly inflammable. It is poisonous. It is stored in plastic barrel. Its smell is unpleasant and hazards to human life. It is necessary to dispose of above mentioned chemical. So he has sought permission to dispose of the above mentioned chemical.

4] Say of learned A.P.P. and accused was called for. Accused did not file their say. Learned A.P.P. also prayed to permit the applicant to dispose of the seized acid.

5] Applicant has filed letter of opinion of Maharashtra

Pollution Control Board, Sub Divisional Office Mahad. According to them the seized acid is dangerous and inflammable. As per Dangerous Chemicals Production, Storage and Import Rules 1989, such acid is dangerous to environment. So they have opined to dispose of the acid scientifically as early as possible. After order dated 07.05.2016 applicant has filed his say on 06.11.2017 mentioning method and place of disposal of the acid. According to him, the acid may be disposed of at Taloja in the plant of Mumbai West Management Limited, Taloja.

6] On perusal of chargesheet it appears that, the above mentioned acid has been seized from the accused on 10.04.2014. Accused have not claim it. From the opinion of Maharashtra Pollution Control Board, the acid is inflammable and dangerous to public at large. It is true that, its fumes are poisonous. The trial may prolong for uncertain time. If the acid is kept in open space then, it is hazards to public. So it is just and expedient to dispose it of. Hence, application deserves to be allowed. Accordingly, following order is passed :

Order

- 1] Application is allowed.
- 2] Applicant Assistant Police Inspector, police station M.I.D.C. Mahad is permitted to dispose of above mentioned acid by taking all necessary care and caution.

- 3] Applicant shall take sample of each chemical before panchas.
- 4] Applicant shall submit report of disposal.

Mahad

Date : 26.06.2018

(R. R. Patil)

Judicial Magistrate, First class Mahad