



**Order below Exh.1 in Cri. Misc. Application No.03/2026**

1. This is an application under Sec. 503 of BNSS, 2023 for interim custody of following muddemals.

Articles	Value
Wooden Sofa cum bed	5,000/-
3 seated Sofa	3,000/-
1 Recliner chair	5,000/-
1 Central table	1,000/-
Gas of Bharat Gas Company	500/-
Gas stove of Prison Company	1,000/-
1 Sealing Fan of Atomburg Company	1,000/-

2. According to applicant, above muddemal were seized in C.R.No. 106/2025 registered at Mhasala Police Station. Applicant is the informant in the above crime.

3. It is the case of prosecution that, from 07/12/2025 to 20/12/2025, at the residential house of the informant, accused persons in furtherance of their common intention, by braking the house of informant, committed theft of above articles. Applicant lodged FIR bearing no.106/2025 against the said theft. On 20/12/2025, accused persons were arrested. During the course of investigation, the IO recovered above articles.

4. As per applicant, he is the owner of the supra articles. Being the owner of the supra amount, he is entitled for the same and thus by way of present application, applicant prayed for the custody of the same.

5. Say of I.O. & A.P.P. were called. The learned A.P.P. filed at Exh.06 and submitted to allow the application on necessary terms and conditions. IO filed say at Exh.07 thereby he also gave no objection to return the said articles to the applicant on the necessary terms and conditions.

6. Heard both sides. Perused the record. Prosecution are having no objection to return back the said articles to the applicant. In this context, it will be profitable to take reliance of the findings given in the landmark case of *Sundarabhai Ambala Desai Vs. State of Gujarat Reported in AIR 2002 SCW 5301*, where it is directed to the Magistrates that, *the Muddemal lying at police station having no use there, to be released as expeditiously as possible.*

7. Considering all these aspects, I am of view that no purpose will serve by keeping the said articles at police station as seized muddemal. Further, the said articles are domestic articles. Thus, considering its nature, I am of view that it will not be just, legal and proper to keep the same for indefinite period as seized. Further, keeping said articles as seized muddemal will not cause any benefit. Resultantly, this court is of view that there is no hurdle to release the said articles in favour of applicant on appropriate terms and conditions. Further, apart from applicant, no other person has claimed the said articles. Consequently, following order is passed :-

### ORDER

- 1) The application is allowed.
- 2) The articles as mentioned in the application be given in interim custody to the applicant on executing indemnity bond of Rs. 25,000/-.
- 3) The applicant to file four photographs of the said muddemal before moving it away from the police station portraying therein the

description of said articles. Investigating officer to facilitated the photography. The photographs of said articles should be attested, countersigned by applicant and concerned police officer.

- 4) Investigating officer shall prepare detail *panchanama* before handing over the seized muddemal to the applicant i.e. the concerned Police Officer to submit a detailed report pertaining to compliance of the conditions aforementioned.
- 5) The copy of the present application, order and panchanama be filed along with the chargesheet.
- 6) Issue yadi accordingly.

Place : Shrivardhan  
Date : 09/03/2026

( S.K.Shaikh)  
Judicial Magistrate F. C.,  
Shrivardhan.