

Criminal Miscellaneous Application no.16/2026

MHRG140002512026



Order below Exhibit 1

1. This is an application under Section 503 of the BNSS praying to return gold nugget and gold nosering. The applicant prayed custody of seized gold i.e. (सोन्याचे लगड १७.६९० ग्रॅम व सोन्याचे नथ ३०० मिलीग्रॅम). The applicant has contended that he is need of said gold nugget and gold nosering as he was owner and custodial of those gold nugget and gold nosering. He undertakes that he will not change the nature of said gold nugget and gold nosering and produce it before the Court as and when required.

2. The learned A.P.P. has objected this application submitting that, the nature of the muddemal has already been changed as per record. If the application is allowed, there is possibility that again the nature of the muddemal can be changed again. Hence, prayed to reject this application. While Investigating officer have given no objection to return said gold nugget and nosering to the applicant by imposing certain terms and conditions.

3. Perused the application, supporting affidavit, say of I.O. and Ld. APP, documents filed on record. Heard Ld. Advocate for the applicant and Ld. APP.

4. After registration of crime, during the course of investigation, part of stolen properties were seized by Uran police station in connection

with C.R. No. 241/2025. Police could seized gold nugget i.e. (सोन्याचे लगड १७.६९० ग्रॅम व सोन्याचे नथ ३०० मिलीग्रॅम).

5. To substantiate the facts mentioned in the application, the applicant has produced xerox copies of bills of the ornament. Moreover, Investigating officer has not denied that the applicant is owner of said gold nugget and gold nosering. The I.O. submitted that, the accused melted the stolen gold jewelry into a nugget, actually which belong to the applicant only. Hence, it can be inferred that the applicant is the owner of said gold jewelry. In view of the guidelines mentioned in the judgment of the Hon'ble Apex Court in *Sundarbhai Ambalal Desai Vs. State of Gujrat reported in MANU/SC/1110/2002*, the application deserves to be allowed. Under such circumstances, keeping gold jewelry in Uran police station or Court would cause damage to it. Custody of said gold nugget and gold nosering may be given to the applicant by imposing conditions. No doubt, all stolen properties are contended by the applicant is not recovered by the police, hence the applicant is entitled to custody of whatsoever recovered gold from the accused out of the stolen ornaments. Hence, I proceed to pass following order.

ORDER

i.	Application is partly allowed, I.O. to handover custody of seized muddemal of CR no.241/2025 to the applicant after due verification.
ii.	The applicant shall execute Supratnama Bond of Rs.2,50,000/- to produce gold as and when directed by the Court in this

	case,
iii.	Upon execution of such Supratnama Bond before Officer-in-charge of Uran police station, issue gold nugget and gold nosering custody handover order to the concerned police station.
iv.	The concerned Officer-in-charge shall take two color photographs of the gold to be attested by the applicant for identification purpose during the trial, and to hand over the said gold to the applicant and forward the said photographs before this Court along with final report.
v.	Authenticated copies of this order be sent to the P.S.O. of Uran police station to do the needful.

Uran,
Date : 11.03.2026

Sd/-
(M. S. Quazi)
Judicial Magistrate, F.C., Uran