

-1- Sessions Case No.141/2024.  
Kharghar C.R.No.217/2024.  
The State V/s. Raj @ Mohammad Asif  
Mohammad Galib Shaikh & Ors.  
Order below Exh.49

MHRG170021802024



**ORDER BELOW EXH.49**  
**IN SESSIONS CASE NO.141/2024**  
**KHARGHAR C.R.NO.217/2024.**  
**THE STATE - V/S. - RAJ @ MOHAMMAD ASIF**  
**MOHAMMAD GALIB SHAIKH AND OTHERS**  
**( PASSED ON 10<sup>th</sup> DAY OF APRIL, 2025)**

This application is moved on behalf of applicant /accused No.6 – Vishal Ganpat Chorge for release of seized driving license No.MH 43 20090034205 and one mobile Vivo-20 vide Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The investigating officer filed his say vide Exh.50 and objected to release the driving license and mobile.

3. Points for the determination and my findings thereon for the reasons stated below;

| SR. NO. | POINTS  | FINDINGS |
|---------|---|----------|
| I.      | Whether grounds are justified to release the seized vehicle and mobile in terms of prayer ? | Yes.     |

|     |              |                             |
|-----|--------------|-----------------------------|
| II. | What Order ? | The application is Allowed. |
|-----|--------------|-----------------------------|

**REASONS**

4. Perused application, say filed. Heard learned advocate for applicant/accused No.6 - Shri.Suresh Bhandare, as well as Heard learned A.PP Shri.A.R.Kadam.

**AS TO POINTS NO. I AND II :**

5. The prosecution has booked the Crime No. 217/2024 for the offence under Section under Section 395, 120(B), 170, 323, 504, 506, 34 of the Indian Penal Code against applicants/accused No.6 and other accused. Later on investigating officer added Section 363, 465, 468, 471 of the Act at Police Station Kharghar.

6. The mobile and driving license of the accused No.6 – Vishal Chorge are seized. The seized mobile has not data relating to the crime. During course of argument, learned APP have no objection to release the seized mobile and driving license to the applicant.

7. Now the applicant/accused No.6 moved application for release of seized mobile on *suprutnama*. The applicant/accused No.6 placed on record copy of mobile bill.

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On perusal, it transpires that the mobile is standing in the name of applicant/accused No.6.

8. In the light of reasons foregoing, grounds are justified to release the seized mobile and driving license in favour of applicant/accused No.6 subject to terms and conditions. I answer Point No. I in affirmative. With this, I pass following order ;

**ORDER**

|    |  |
|----|--|
| 1) | The application for interim custody vide Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed as under;  |
| i) | The application for interim custody of the seized mobile Vivo-20, IMEI No.86832605408, NS No.9618 0073 05000CS, SIM No.7666901818 and driving license No.MH 43 20090034205 of the applicant vide Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed. |
| 2) | The Investigating Officer, Police Station, Kharghar in Crime No.217/2024 is directed to hand over the custody of the seized mobile and driving license in favour of the applicant/accused No.6-Vishal Ganpat Chorage on following terms and                              |

|     |  |
|-----|--|
|     | conditions;  |
| (a) | The applicant shall not cause any material alteration to it.   |
| (b) | The applicant shall not alienate or create third party interest upon it.   |
| (c) | The applicant shall produce the seized mobile and driving license whenever called by Court as and when required.   |
| (d) | The Investigating Officer shall take photographs of the seized mobile and driving license before releasing it and compliance be forwarded to this Court. |
| (e) | The applicant shall execute indemnity bond of Rs.25,000/- (Rs. Twenty Five Thousand only) and undertook above conditions in it.                          |
| 3)  | Inform to concerned Police Station accordingly.  |
|     | Dictated and pronounced in Open Court.   |

**Place : Panvel.**

**Date : 10.04.2025**

**( K.G. Paldewar )  
Additional Sessions Judge,  
Panvel**

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|                       |                                      |
|-----------------------|--------------------------------------|
| Arguments heard on    | 07 <sup>th</sup> Day of April, 2025. |
| Order delivered on    | 10 <sup>th</sup> Day of April, 2025. |
| Dictated on           | 10 <sup>th</sup> Day of April, 2025. |
| Transcribed on        | 10 <sup>th</sup> Day of April, 2025. |
| Checked and signed on | 11 <sup>th</sup> Day of April, 2025. |

**CERTIFICATE**

I affirm that the contents of this PDF file Judgment/Order is same and as per the original Judgment/Order.

Name of the Stenographer : K. N. Lokhande  
Name of the Court : Additional Sessions Court,  
Panvel  
Date of Order : 10.04.2025.  
Order signed on : 11.04.2025.  
Presiding Officer : K.G. Paldewar  
Order uploaded on : 11.04.2025.