



Order Below Exh.01
(In Session Case No.427/2019)

1. Today witness No.1 who is panch on memorandum panchanama is examined. During his evidence, property from muddemal room was called and property (which was produced by the police as seized articles) was opened in the Court in presence of accused, Ld. Advocate for accused, witness & Ld. Addl. P.P. During evidence of PW-1, one knife & one iron rod were shown to witness. These articles were marked as Article 'A' & 'B'. After showing these articles property was taken back. At the time of sealing of the property, it is noticed that mobile which was sent for forensic analysis is not found in the articles. Concerned clerk of District Court, Panvel who is incharge of muddemal property was called upon and she submitted that articles were sealed in big Khaki paper and these articles were accepted as it is, without verifying as to how many articles are inside. Concerned clerk produced register maintained by her, wherein she has taken the entry that articles are accepted without verifying them.
2. As per police, mobile was sent for forensic analysis. Police have given letter in which they have mentioned that articles includes that mobile but as per police report, same is not found inside the sealed muddemal. It is necessary to seek explanation from the concerned police station as to what happened with that mobile. Police have also not produced another mobile which

was seized from accused Roshan Pawar. At the time of trial, seized articles are required to be produced as a part of evidence and its production is required to confront these articles to the witness. As there is no clarity regarding these two mobiles, it would be proper to call explanation from concerned police station. Hence, I pass following order.

:: ORDER ::

Issue letter to Police Inspector, Panvel City Police Station calling upon his explanation as to why two mobiles in CR No.291/2018 not produced before the Court, when those mobiles are seized.

Sd/-

Panvel,
Dated :- 01/03/2024

(S. C. Shinde)
Addl. Sessions Judge
Raigad-Panvel.