

ORDER BELOW EX.1 IN SPECIAL CASE NO.4/2026

(CNR No.MHRT-01-000147-2026)

1. This application is filed by the applicant viz: Sau. Parveen Rafique Kotawadekar, r/o. Ruby Apartment, Thiba Palace road, Tal. & Dist. Ratnagiri, for return of property, i.e. Pista colour Nothing Company, Model No. CMF Phone 1 6/128 having IMEI No.357269621810787 and SIM Card no.7387677170 seized by Ratnagiri City Police Station, Tal. & Dist. Ratnagiri in CR No.11/2026, for the offences punishable under Sections 8(c), 22(b) 29 of the NDPS Act, 1985.

2. It is contended by the applicant that she is the owner of the aforesaid mobile which is seized by Ratnagiri City Police Station in CR No.11/2026. The said mobile is in Ratnagiri City Police Station. The applicant further submitted that if the mobile remained at the police station, its spare parts will get damaged and she will suffer loss due to its non-use. The said mobile is used for her day to day life and if it is not used its battery will get off and will become no use forever. Therefore, the applicant prayed for return of the said mobile. Applicant has also filed affidavit to substantiate her contentions in the application.

3. The I.O. has filed say at Exh.40 and submitted that the said mobile is the part of evidence and if it is missing, the evidence against accused will be finished. It is also submitted that accused will again use the said mobile in committing similar offence in future. Finally, it is prayed to reject the application.

4. Heard learned APP Shri. A. A. Phansekar for the State/opponent no.2 and learned Advocate Shri. S. S. Tharwal for the applicant. Perused the application and documents.

5. Applicant has filed on record photocopy of Aadhar card and and receipt of purchase of mobile etc.

6. It appears that the mobile has been seized from the custody of the accused no.1. Applicant is the mother of accused no.1 and she is the owner of said mobile. I.O. also has strongly objected the application for handing over mobile phone to applicant. The aforesaid mobile is lying with Ratnagiri City Police Station. There is no reason to keep the seized mobile with police station. As far as fear of I.O. is concerned, necessary conditions can be imposed on the applicant regarding producing the same at the time of evidence before the Court. Hence, the following order :-

ORDER

1. The application is allowed.
2. Police Inspector, Ratnagiri City Police Station, is hereby directed to return the property i.e. Pista colour Nothing Company, Model No. CMF Phone 1 6/128 having IMEI No.357269621810787 and SIM Card no.7387677170 seized by Ratnagiri City Police Station, Tal. & Dist. Ratnagiri in CR No.11/2026, for the offences punishable under Sections 8(c), 22(b) 29 of the NDPS Act, 1985, to the applicant, on executing a bond/Supurtanama of Rs. 16,000/- (Rupees Sixteen Thousand Only) by the applicant, for the aforesaid mobile, on condition that not to dispose, alter, transfer, sell, alienate the said mobile without permission of this Court and produce the same as and when asked to produce the same by I.O. and this Court.
3. Police Inspector, Ratnagiri City Police Station, is hereby directed to prepare detail panchanama and also to snap photographs, of the aforesaid mobile, before returning the said mobile to the applicant.

Date:- 18.04.2026

(A. M. Ambalkar)
Judge, Special Court, Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Spl. Case No.4/2026
Name of Stenographer	:-	Mr. Rajesh Ganpat Rahate
Name of Court	:-	Judge, Sessions Court, Ratnagiri.
Date of Dictation	:-	18-04-2026.
Order signed by the P.O. on	:-	18-04-2026.
Order uploaded on	:-	18-04-2026.