

**ORDER BELOW NOTICE BEARING NO.1200/N/2021
IN CR NO.709/2021 OF ANDHERI POLICE STATION, MUMBAI.**

Dwarika Seetaram Mishra Applicant.

V/s

The State of Maharashtra
Andheri Police station, Respondent

ORDER

(Dated 17/11/2021)

- 1) The applicant seeking custody of Mobile phone worth of Rs.11,490/-(mentioned in the application).

- 2) Investigating Officer has filed his say and he has no objection to return the property. Ld APP has filed his say.

- 3) The applicant has filed his affidavit along-with supporting documents viz copy of FIR, Adhar card and invoice of mobile. The Applicant has filed his affidavit and submitted that name is “Pandit Dwarika Mishra” is mentioned on invoice of mobile instead of “Dwarika Seetaram Mishra” due to inadvertence as he is doing work as Pandit(Priest). The contents of application and documents on record shows that the applicant is the real owner of seized muddemal. Therefore, considering above discussion, I do not find any justifiable reason to reject the application. Hence, I proceed to pass the following order:-

ORDER

1. Application is allowed.
2. The applicant shall execute an indemnity Bond of Rs.12,000/- and shall undertake that no modification, alteration, or any change shall be made in the above described property till the final disposal of the main case.
3. The applicant shall undertake to produce the said property before the Court, as and when directed.
4. Investigation Officer is directed to draw the panchanama and shall also take out photographs while returning the seized property.
5. On production of the copy of the release order from this Court, the in-charge of concern Police Station shall release the interim custody of the aforesaid article to the applicant.
6. Copy of this order be placed in concern CR.
7. Issue release order accordingly.

Sd/-

Dt.20.11.2021

(C. P. Kashid)
Metropolitan Magistrate
65th Court, Andheri, Mumbai.