

**ORDER BELOW EXHIBIT NO.1 IN CRI.M.A.NO.37/2026****(Passed on : 24/03/2026)**

1. This is an application filed under Section 503 of Bhartiya Nagarik Suraksha Sanhita, 2023, to hand over possession of mobile seized by the Police Inspector, Sawantwadi Police Station in relation to Crime No.24 of 2026 for offence punishable u/s. 4, 5 of the Maharashtra Gambling Act.
2. According to the applicant Police Inspector of Sawantwadi Police Station have seized his mobile i.e. Samsung A14 5G 6/128 Light GRE company bearing Sr. No.351733717100649. He further stated that, he is owner of said mobile and in possession of the documents of the same. He is suffering difficulties in his daily work because of absence of mobile and spare parts of mobile will become junked due to heat and dust. Further, he is ready to execute bond and abide by the conditions imposed by the court. Thus, he prayed to hand over the possession of said mobile.
3. I have called the say of APP, investigating officer and accused.
4. Ld. A.P.P. has filed her say and submitted that, seized mobile used in C.R.No.24/2026 of the Sawantwadi Police station. If seized mobile is released to the applicant/accused then, there is possibility of using said mobile for committing similar kind of offences and also possibility of change the nature, alienate and transfer of said mobile. Hence, she prayed for rejection of the application.

5. I.O. has filed his say and submitted that, he has no objection to return the seized mobile subject to certain terms and conditions.

6. Accused No.1 to 13 have filed their say and submitted that, they have no objection to handover seized mobile to the applicant.

7. Perused the application and say of learned APP and I.O. In present application, applicant has produced uploaded copies of documents i.e. copy of FIR, copy of purchase receipt of mobile issued by Mobile Mall, Sawantwadi Dist. Sindhudurg and Aadhar card bearing No. 760778925514. On perusal of documents produced by the applicant, it appears that, he has purchased the mobile handset and owner of the same. Further, this is an application claiming interim possession of seized mobile. There is no other claimant to said mobile. Moreover, I.O. has nowhere mentioned that, seized mobile is forming part of evidence and therefore required for further investigation. In background of such circumstances there is no hurdle to hand over the interim possession of mobile to the applicant. It is needless to mention that, suitable conditions can be imposed on the applicant in relation to the present crime. Hence, I pass following order:

**-:: ORDER ::-**

1. The seized property i.e. Samsung A14 5G 6/128 Light GRE company bearing Sr. No.351733717100649 by Police Inspector, Sawantwadi Police Station in Crime No.24 of 2026 be given to applicant on executing indemnity bond

for Rs.20,000/- (Rs. Twenty Thousand only) on following conditions-

- a) The applicant shall not alienate, transfer or change the nature of the above mentioned Mobile till the final decision of this case.
- b) The applicant to produce the original receipt of said mobile handset to concern investigating officer for verification purpose.
- c) He must produce the mobile as and when required by investigating officer and the Court.

2. The Police Inspector, Sawantwadi Police Station is hereby directed to take the colored photographs of mobile with its serial number and name of company at the costs of the applicant and prepare detail Suprutnama of releasing the mobile in the custody of the applicant, after executing bond by the applicant.

3. Investigating officer is directed to attach the bond of applicant after its execution in record and proceeding of final report in Crime No.24 of 2026.

(Dictated and pronounced in open Court.)

Date: 24/03/2026

Place: Sawantwadi

(Smt. R.G.Kumbhar)  
Judicial Magistrate, First Class,  
Sawantwadi.