

MHSN090002072022

**REGULAR CRIMINAL CASE NO.35/2022****[Order Passed Below Exh.15]****[State of Maharashtra V/s. Sachin Anil More]**

1. The accused is facing trial for the offence punishable under Section 363,354,343,506 of the Indian Penal Code wherein, present application seems to be filed by Sou.Divya Nilesh Ghadage under Section 451 of Cr.PC. for return of property i.e. gold Mangalsutra weighing approximately 05 gram which have been seized in C.R.No.544/2021, registered at Tasgaon Police Station under Section 363,354,343,506 of the I.P.C. It is the contention of the applicant that the said Mangalsutra is purchased by her father-in-law namely Bajirao Namdev Ghadage on 28.06.2021 from Umesh Jewelers, Tasgaon. The applicant is ready to abide by the terms and conditions imposed on her and ready to furnish bond as per directions. Applicant has filed copy of F.I.R., purchase receipt of gold ornament of Umesh Jewelers.

2. Ld. A.PP. for the State filed his say on the application and submitted that, the receipt which is filed by the applicant shows that the seized muddemal is purchased by Bajirao Ghadage and therefore, the applicant has no right to claim the same. Therefore, he prayed that application may be rejected.

3. Heard both sides. Perused documents filed on record. The record shows that the charge-sheet has been filed. The accused or any other person have not claimed the seized muddemal. The Ld.APP for the State has taken objection that the receipt which is filed by applicant is on the name of Bajirao

Namdev Ghadage, therefore, applicant cannot claim the same. The record shows that Bajiraj Namdev Ghadage has filed an affidavit and submitted that he seized muddemal was purchased by him for her daughter in law i.e. present applicant and he submitted that he has not objection to handover the seized muddemal to the applicant. Therefore, in view of observations of the Apex Court in the case of, "Sunderbhai Ambalal Desai Vs. State of Gujarat reported as 2003 SCC(Cri) 1943" it will be proper to handover the interim custody of the seized muddemal to the applicant. Hence, I have no hesitation temporarily to hand over the seized muddemal to applicant on certain conditions. Hence, the following order.

**:: ORDER ::**

- 1 Application is allowed.
- 2 The seized gold Mangalsutra weighing approximately 05 gram, seized by Tasgaon Police station in C.R. No.544/2021, be released in favour of applicant Sou.Divya Nilesh Ghadage by executing her bond of Supurtnama (Indemnity Bond) of **Rs.30,000/- (Rs. Thirty Thousand only)** for muddemal with following conditions :
  - a She shall not dispose of the muddemal by mortgage, sale or by any other means till final decision of case.
  - b She shall produce the muddemal as and when required by the Court during the trial.
  - c She shall not change the nature of the property.
- 3 Police station officer, Tasgaon Police Station, Tasgaon is directed to prepare the panchnama of muddemal and take it's photographs prior to release the same and counter signed by the applicant at applicant's cost and submit it on record.
4. Issue yadi to the concerned Police Station after compliance by the applicant.

Tasgaon.  
Date : 04.07.2023

(Omprakash M.Mali)  
Judicial Magistrate F.C., Tasgaon.

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

Name of the Stenographer	:	U.PPatil
Court	:	Civil Judge Jr.Dn. and Judicial Magistrate F.C., Tasgaon.
Date	:	04.07.2023
Judgment/Order signed by the Presiding officer on	:	04.07.2023
Judgment/Order uploaded on	:	04.07.2023