

**Order below Exh. 4 in Sessions Case No. 314/2018**

This is an application filed u/s. 451 of Cr.P.C. for release of 1) red color lodging register, 2) Shop Act license, 3) tax receipt No. 230366 of Solapur Municipal Corporation, Solapur, 4) mobile of carbon company, 5) mobile of I.T.E.L. company, 6) I.T.B. hard disc of hikvision company, 7) mobile of redmi company and 8) cash of Rs.21,900/- seized in Crime No. 412/2018 by Foujdar Chawadi P.S.

2           It is averred by the applicant that, the above articles are seized by the police on 19.07.2018 in C.R. No. 452/2018 of Foujdar Chawadi P.S. The above articles are lying in the P.S. The applicant is doing the business of lodging and that is the only source of his income. At present, said hotel is closed as police has seized the register and Shop Act License. The same is required for starting the business and day to day earning of the applicant. He is ready to abide by the terms and conditions imposed by this Court. Thus, he prays to release the above articles.

3           Say of the Ld. APP was called for. The prosecution has raised strong objection by filing its reply and contended therein that, the offence is very serious in nature. The said muddemal is necessary at the time of hearing and it is very important piece of evidence. The applicant has not filed any document showing that, he is the owner

of the muddemal property. According to prosecution, if the muddemal are returned to the applicant there is possibility to change the nature of the said muddemal or to transfer the same. Hence, the prosecution prayed to dismiss the application filed by the applicant.

4           The I.O. has filed his separate reply and submitted therein that, he seized articles is important piece of the evidence during trial. It is submitted that, the register which is seized from the custody of the applicant is required at the time of trial to show that, decoy customer was sent in the lodge of applicant. It is further stated by the I.O. that, the amount which is seized from the custody of the applicant is also required. So also the mobile phones of Redmi, Carbon and I.T.E.L. company through which conversation was exchanged is also important piece of evidence is required at the time of evidence.

5           I have heard the Ld. Advocate Shri. I. N. Saikh for the applicant and Ld. APP Smt. P. S. Vyas for State.

6           As can be seen the offence is registered under the provisions of P.I.T.A. Act by sending decoy customers. It is pertinent to note here that, a raid was conducted by police on receiving information that, a prostitution is going on in the hotel owned by the applicant. The communication was made through two mobiles which

are seized by police. The name of the customer is mentioned in the register which is seized by the police. So also the money which is seized was seized from the applicant was given by police to the decoy customer. All these evidence is important during the trial to prove the allegations against the applicant. Therefore, I am of the view that, these articles cannot be returned to the applicant at this stage. Anthropic powder is normally used on the notes in case of raid. Therefore, those special notes which were used by police during the raid on which anthropic powder is used is also required during the course of the trial. Therefore, I am of the view that, those notes cannot be returned at this stage. In the circumstances, I am inclined to partly allowed the application whereby the tax receipt No. 230366, Shop Act License can be returned to the applicant. Hence, I passed the following order.

**ORDER**

- 1 Application is partly allowed.
  - 2 I.O. is hereby directed to hand over the tax receipt No. 230366 and Shop Act License to applicant on executing indemnity bond of Rs.10,000/-.
- a) Applicant shall produce the above documents before the Court as and when directed by this Court.

- b) Applicant shall not dispose off or change the appearance of the above documents during pendency of the trial.
- 3 I.O. is hereby directed to take photographs of the above documents and prepare detail panchnama before handing over custody of above documents to the applicant.
- 4 I.O. to file the indemnity bond furnished by the applicant in this Court.
- 5 Prayer for return of muddemal red color lodging register, mobile of carbon company, mobile of I.T.E.L. company, I.T.B. hard disc of hikvision company, mobile of redmi company and cash of Rs.21,900/- stands rejected

Place : Solapur  
Date : 17.12.2018

Sd/-  
(Y. G. Deshmukh)  
Additional Sessions Judge, Solapur.

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**CERTIFICATE**

I affirm that the contents of this PDF file Order is same word to word as per the original Order.

- (a) Name of the Stenographer : Sou. M. M. Kulkarni
- (b) Court : Yasmin G. Deshmukh,  
District Judge – 5 &  
Addl. Sessions Judge, Solapur.
- (c) Order signed by P.O. on : 20.12.2018
- (d) Order uploaded on : 21.12.2018