

ORDER BELOW EXH. 18
State vs. Dinesh Kaulage

1. Perused application supported by affidavit, say, documents and written argument submitted by Ld. Adv. Smt. S. M. Chumbalkar, for applicant and Ld. A.P.P.Shri. Wangikar, for prosecution.

2. This application is filed U/s.451 of Cr.P.C. by the applicant for releasing his Vivo Company Y53S Model mobile having IMEI No.868821052455714 with two sim cards. According to him, said is seized in crime No.21/2022 by Karkamb Police Station, of which he is the owner. In said crime, investigation is completed and charge-sheet is filed. It is lying in the Police Station for no reason since long. If it is kept idle, it will damage. On the contrary, applicant is ready to produce it at any time and also ready to abide all the conditions.

3. Prosecution by filing say and written notes of argument at Exh.24 objected the application. It is alleged that, said mobile is seized by seizure panchanama. It is used in the crime. At the time of evidence it requires to be shown to the witnesses and complainant. There is possibility of changing the nature of the mobile if released. Applicant may use it in other crime. So, application be rejected.

4. F.I.R. of C.R.No.21/2022 shows that, it is registered at Karkamb Police Station, u/s.363, 366, 376(2)(n), 354B r.w.34 of I.P.C. and U/s.4, 12 of P.O.C.S.O. Act, in which applicant is accused No.2. Prima facie the allegations in the F.I.R. does not show that the mobile is to be preserved by keeping it in Police Station for convenience of the trial. Applicant produced copy of mobile purchase receipt and aadhar card. From which it reveals that, he is the owner of the said mobile. Under such circumstances, keeping it at Police

Station idle will certainly damage it. Apprehension of prosecution regarding production of said mobile and changing nature of said muddemal will be safeguarded by imposing certain stringent conditions. Therefore following order is passed.

ORDER

1 Application is allowed with no order as to cost.

2 The P.I. of concerned Police Station or the Investigating Officer as the case may be, in whose custody the aforesaid Vivo Company Y53S Model mobile having IMEI No.868821052455714 with two sim cards, lying with him is directed to handover the same to the applicant Dinesh Dattatraya Kaulage, after his identification, verification of the documents of mobile, taking photographs of the mobile from all sides and on his executing indemnity bond of Rs.15,000/- with conditions that applicant will not change the nature of the mobile till conclusion of trial, he will produce the same before the Court as and when required and he will not alienate in any manner to others without the prior permission of the Court. Accordingly, Yadi be issued to concerned Police Station.

(B.B.Toshniwal),

Date : 06-07-2022

Addl.Sessions Judge, Pandharpur

C E R T I F I C A T E

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

- (a) Name of the Stenographer : S.R.Kore, Stenographer (G-1)
- (b) Court : Ad-hoc DJ-1 & ASJ, Pandharpur
- (c) Order signed by P.O. on : 06/07/2022
- (d) Order uploaded on : 06/07/2022