

MHTH170014822022



ORDER BELOW EXH. 32 IN R.C.C. No. 225/2022
(Decided on 21st September 2022)

By the present application, applicant Shirish Bhaskar Nadkarni who is authorized signatory of D' Decor Home Fabrics Pvt. Ltd. has prayed for the interim custody of muddemal property i.e. bed sheets and cash of Rs. 3,05,000/- seized by the Boisar Police Station in Crime No. 43/2022.

02. The investigating officer has given no objection to handover the custody of seized bed sheets and cash to the applicant by filing their say at Exh. 35. The learned APP has submitted to pass necessary order by filing his say. Accused Nos. 2 and 3 have resisted the application by filing their say at Exh. 36. Accused No. 1 has filed his pursis below Exh. 38 and adopted the say of accused Nos. 1 and 2. It is contended by accused that, total procedure regarding seizure is illegal and bogus. Accused have no connection with it. They further submitted that, an amount so seized is not a sell proceeds of bed sheets. Therefore, prayed to reject this application.

03. It reveals that, investigating officer has seized aforesaid muddemal in the present crime which is registered under Sections 406, 465, 468, 471, 411 of I.P.C. The applicant is the company wherein an offence alleged has taken place. The applicant/informant further stated that, accused had given disclosure statements and thereby bed sheets as well as cash amount Rs. 3,05,000/- came to be at their instance. Accused persons are also claiming their right over the cash amount only while regarding bed sheets expressed that they have no connection with it.

04. It is admitted fact that, the D' Decor is a well known company manufacturing, distributing and selling bed lenin product and other similar

products. The applicant/company has given certain documents regarding their transactions about alleged bed sheets during investigation to the police. Therefore, at this stage, the claim of applicant to the extent of bed sheets appear to be genuine.

05. However, so far as the cash amount is concerned, objection raised by accused persons are also needs to be considered. The document on the basis of which the applicant is seeking release of cash amount is a seizure *panchanama*. Trial in this proceeding is yet to begin and said *panchanama* is yet to be proved. In such situation, release of said cash amount without verifying genuineness of claim would cause prejudice to other claimants. Therefore, it is my considered view that, the applicant is entitled for the interim custody of the bed sheets only. In the result, I pass following order:-

ORDER

1. The application is partly allowed.
2. Out of 21 bed sheets 20 bed sheets be returned to the applicant till conclusion of trial of CR No. I – 43/2022 of Boisar Police Station on executing the indemnity bond of Rs. 50,000 /- (Rs. Fifty Thousands only).
3. I. O. to preserve one bed sheet for the purpose of evidence during trial.
4. The Investigating Officer is directed to prepare the detailed panchanama alongwith separate photographs of each bed sheet before handing over it to the applicant.
5. The Investigating Officer is directed to return the seized bed sheets to the applicants after due verification as to identity of the applicants.
6. Copy of this order be kept with charge-sheet / final report.

Palghar.
Date :- 21.09.2022.

(A.A.Kale)
Judicial Magistrate First Class
(Court No. 3), Palghar.

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per the original order.

Name of the Stenographer :- Smt P.K.Tamore

Court :- Smt. A.A.Kale, 3rd Jt.C.J.J.D. & J.M.F.C., Palghar

Date :- 21/09/2022

Order Signed by the presiding

officer on :- 21/09/2022

Order uploaded on :- 22/09/2022