



ORDER BELOW EXH. 4 IN S.C.C.No. 4151/2025

1. This is an application filed by the applicant Chhayabai Babaraoji Kamble for grant of interim custody of Samsung Fridge Black Brown which is seized by Police Station, Wardha (City), Wardha, Dist. Wardha in Crime No. 120/2025 in connection with the offence, under section 65(e) of Bombay Prohibition Act 1949.

2. It is the contention of the applicant that, she is owner of the above said fridge. She further contended that, fridge is necessary for her daily use and if the fridge is kept stationary, it would cause damage. Accordingly, it is submitted by the applicant that custody of the fridge be handed over to her.

3. The learned APP has her say and contended that the if the said fridge of the applicant is returned to applicant may change it's nature, commit similar types of offence. Hence, she prayed for rejection of application. IO has strongly opposed to release the seized fridge.

4. Perused the record. The applicant contended that, she is the owner of above said article i.e. Samsung Fridge Black Brown. Further, she has filed copy of fridge bill and copy of Adhar Card. So considering the submissions and documents filed on record it become *prima facie* clear that, the above said fridge is owned by the applicant, so the applicant is the owner and possessor of Samsung Fridge Black Brown.

5. Considering the nature of crime and the fact that, above said Samsung Fridge Black Brown if kept stationary it will diminish its value. So no purpose will be served by keeping the above said fridge lying with the police. So, this court of the view that, it would be proper to hand over the custody of the aforesaid Samsung Fridge Black Brown to the applicant on certain terms and conditions. Hence, following order -

ORDER

1. Application is allowed on Exh.4.
2. Applicant to execute bond of Rs. 10,000/- (Rs. Ten Thousand Only) with incorporating the following terms and conditions :-
 - a) Applicant to keep the of Samsung Fridge Black Brown fridge in proper condition and not to dispose of it in any manner.
 - b) Applicant to produce above said deep freezer as and when directed by the Court.
 - c) The investigating officer is hereby directed to obtain photographs of the said fridge alongwith the detail panchnama while handing the custody of the property to the applicant.
 - d) Investigation Officer is directed to produce photographs, panchnama, alongwith chargesheet as the case may be.

Date: 06/04/2026
Wardha.

(H. P. Pancholi)
Judicial Magistrate, First Class,
[Court No.3] Wardha.