

O.M.C.A No.07/2026
CNRMHWR-050000622026.
Gangadhar Vs. State

ORDER BELOW EXH. 1.

(Passed on 18-04-2026)

- 1) This is an application filed by applicant Gangadhar Mahadev Pande for interim custody of Oppo A 17 K Mobile phone and Cash amount of Rs. 4290/-, seized in crime No. 24/2026 registered at Samudrapur Police Station, for the offence punishable u/s 309 (6) BNS.
- 2) Learned Assistant Public Prosecutor for state opposed the application. He submitted that, amount of Rs. 4290/- and mobile phone are seized. Hence suitable order may kindly be passed about to seized cash amount and mobile phone.
- 3) The Investigating Officer has filed his reply. It appears that, he has no objection to return the mobile phone and cash amount to informant.
- 4) The applicant has filed on record the verified copy of Aadhar card, Verified copy of Mobile Bill and copy of F.I.R. From the documents filed on record prima-facie the applicant appears to be the owner of the seized mobile phone. Applicant is informant, he has specifically stated that accused has stolen an amount of Rs. 5,000/- from him. Notice was issued to accused. He has filed his reply in this application. Accused has not stated about to the amount seized at his hand. He has stated only about to the mobile phone. On perusal of say filed by investigation officer and learned A.P.P for state it appears that, an amount of Rs, 4290/- is seized in this crime. Till this date none

except the applicant has claimed the custody of seized mobile phone and cash amount. If the mobile phone and cash amount is kept lying at Police Station, possibility of its damage cannot be ruled out.

5) Moreover, in **Sundarbhai Ambalal Desai .Vs. State of Gujrat reported in AIR 2003 SC 638**, Hon'ble Supreme Court has observed that, the mobile phone should not be kept lying at the police station and may be returned to the rightful claimants thereof, at the earliest.

6) Considering the above facts and circumstances, there is no impediment to hand over the interim custody of the said mobile phone and cash amount of Rs. 4290/- to the applicant on appropriate conditions. Thus, I pass the following order.

ORDER

- 1) Application is allowed.
- 2) Interim custody of Oppo A 17 K Mobile phone and Cash amount of Rs. 4290/-, seized in crime No. 24/2026 given to the applicant Gangadhar Mahadev Pande on executing bond of Rs.50,000/-with following conditions-
 - a] He shall not sell, transfer, cause any changes or create any third party interest in the said mobile phone and cash amount.
 - b] He shall produce the same as and when required by the court.
 - c] He shall not use the mobile phone for commission of any offence.
 - d] Police Inspector of Police Station, Samudrapur is directed to hand over the custody of said mobile phone and cash amount of Rs. 4290/- to the applicant after preparing the detail panchanama of the same. He shall also snap two photographs of the said mobile phone and cash amount.
 - e] Expenses of the photographs shall be born by the applicant.

Dt.18-04-2026
Samudrapur.

[P. L. Patil]
Judicial Magistrate First Class, Samudrapur.

CERTIFICATE

Certified that PDF copy of order supra is word to word
identification to the original order.

(A.A.More)
Stenographer Gr-III

