

O.M.C.A. No.63/2026
(*Crime No. 315/2026*)
CNR No. MHWR-050005692026
Akbar Kha Vs. State

ORDER BELOW EXH. 1.

(Passed on 06-06-2026)

- 1) This is an application filed by applicant Akbar Kha Abdul Kha Qureshi for interim custody of Mobile Samsung Companies A-17 5 G seized in crime no. 315/2026 registered at Samudrapur Police Station, for offence punishable under Sections, 11 (1) (d), (e), (f) of prevention of cruelty of animal act, Section 5 A (1), (2) and (9) of Maharashtra protection of animal act and Section 325 of B. N. S.
- 2) The application is opposed by the learned A.P.P. He has submitted that, accused used this mobile while committing crime and hence he prayed for rejection of an application.
- 3) Investigating Officer has filed his say contending that, if the mobile phone is handed over to the applicant, he may use the same again for commission of such type of offence. Therefore, it is submitted that the application may be rejected.
- 4) Applicant has filed on record the verified copy of his Aadhar Card, Mobile purchase 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. Till this date none except the applicant has claimed the custody of seized mobile. If the mobile 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 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 to the applicant on appropriate conditions. Thus, I pass the following order.

ORDER

- 1) Application is allowed.
- 2) Interim custody of Mobile phone of Samsung Companies A-17 5 G seized in crime No. 315/2026 be given to the applicant Akbar Kha Abdul Kha Qureshi on executing bond of Rs.24,000/-with following conditions-
 - a] He shall not sell, transfer, cause any changes or create any third party interest in the said mobile.
 - b] He shall produce the same as and when required by the court.
 - c] He shall not use the mobile for commission of any offence.
 - d] Police Inspector of Police Station, Samudrapur is directed to hand over the custody of mobile to the applicant after preparing the detail panchanama of the same. He shall also snap two photographs of the said mobile.
 - e] Expenses of the photographs shall be born by the applicant.

Dt 06-06-2026
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