

MHWR060006642026

ORDER BELOW EXH. 2Passed on 17th June, 2026

This is an application filed by applicant **Pratibha Sanjay Rithekar**, R/o **Sant Dnyaneshwar ward**, Tah. **Hinganghat**, Dist **Wardha** to release the mobile i.e. **VIVO Y-28 S** having IMEI **860284077530011** on supratnama.

2] It is the case of applicant that, she is the permanent resident of **R/o Sant Dnyaneshwar ward**, Tah. **Hinganghat**, Dist **Wardha**. Police Station Hinganghat had seized above said mobile in Crime No. 1806/2025, for the offence punishable u/s 8(c), 20(B)IIA, 29 of NDPS Act and 130, 177 of Motor Vehicles Act. Applicant is the owner of **VIVO Y-28 S** having IMEI **860284077530011**. Therefore, the applicant prayed for releasing the above said mobile on supratnama.

3] Say of prosecution have been called. The Ld. APP strongly opposed the release of said mobile. The Ld. APP submits that, seized mobile is material evidence. Therefore in case of release there is a possibility of sale or destroyed the same. Hence, application deserves to be rejected.

5] Heard the learned advocate for the applicant and learned A.P.P. The applicant filed verified copies on record Aadhar card, mobile bill it appears that, applicant is the owner of mobile i.e. **VIVO Y-28 S** having IMEI **860284077530011**.

6] The seized mobile has been in the custody of Police Station Hinganghat. There is a possibility of damage or loss to the seized mobile, if it is kept standing in the open premises without any use. From the documents, it transpires that applicant is a lawful owner of

the seized mobile. Applicant is ready to abide the conditions imposed by the Court. No other person appeared before the Court to claim the seized muddemal. The Hon'ble Apex Court in the case of ***Sunderbhai Ambalal Desai v/s State of Gujrat (2002)10 SCC 283*** held that, it is of no use to keep seized muddemal at the police station for a long period. Therefore, it will be lawful to deliver the possession of said seized mobile to the applicant by imposing certain conditions. Therefore, I pass the following order.

ORDER

1. The application is allowed.
2. The PSO, P.S. **Hinganghat** is directed to hand over the custody of seized mobile in Crime No. 1806/2025 i.e. **VIVO Y-28 S having IMEI 860284077530011** to the applicant **Pratibha Sanjay Rithekar** on executing supratnama bond of Rs.20,000/- (Rs. Twenty Thousand Rupees) in the police station on the following conditions-
 - a) The applicant shall produce seized mobile **VIVO Y-28 S having IMEI 860284077530011** as and when directed by the Court.
 - b) The applicant to undertake that she will not sale, transfer or change the nature of seized mobile during the custody. She is further directed to maintain and preserve seized mobile in all respect.
 - c) The applicant shall not use seized mobile for any illegal purpose.
 - d) The concerned officer is directed to take photographs of seized mobile and to prepare detailed panchnama while handing over the seized mobile to the applicant and obtain her signature on the panchnama as well as on photographs.

e) The concerned officer is also directed to obtain valid insurance of the seized mobile from the applicant while handing over the seized mobile to the applicant.

f) Police Station Hinganghat is directed to obtain the photograph of mobile at the costs of applicant and file the photographs as well as panchnama along with charge-sheet.

Hinganghat.
Date :- 17.06.2026.

(C. A. Gawai)
Judicial Magistrate First Class,
(Court No. 3, Hinganghat)

CERTIFICATE

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

Name of the typist - A. K. Saroday (Stnographer grade III)