

MHWR060018212026

ORDER BELOW EXH.1Passed on 29th July, 2026

This is an application filed by applicant **Jitendra Bhimandas Motwani, R/o Gurunank ward, Tah. Hinganghat, Dist Wardha** to release the mobile i.e. **RENO 14 (8/256) having IMEI 860968070987877** on supratnama.

2] It is the case of applicant that, he is the permanent resident of Gurunank ward, Tah. Hinganghat, Dist Wardha. Police Station Hinganghat had seized above said mobile in Crime No. 799/2026, for the offence punishable u/s 4 and 5 of Maharashtra Prevention of Gambling act. Applicant is the owner of **RENO 14 (8/256) having IMEI 860968070987877**. Therefore, the applicant prayed for releasing the above said mobile on supratnama.

3] Say of investigation officer have been called. Investigation officer filed his say at Exh. 4 and submitted no objection to release of said mobile. Inspite of sufficient opportunity learned APP failed to file say.

4] 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. **RENO 14 (8/256) having IMEI 860968070987877**.

5] 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. 0799/2026 i.e. **RENO 14 (8/256) having IMEI 860968070987877** to the applicant **Jitendra Bhimandas Motwani** on executing supratnama bond of Rs.40,000/- (Rs. Forty thousand Rupees) in the police station on the following conditions-
 - a) The applicant shall produce seized mobile **RENO 14 (8/256) having IMEI 860968070987877** as and when directed by the Court.
 - b) The applicant to undertake that he will not sale, transfer or change the nature of seized mobile during the custody. He 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 :- 29.07.2026.

(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 (Stenographer grade III)