

RCC No. 95/2018

State v/s Baliram

CNR No.MHWS080006782018

ORDER BELOW EXH-63

This is an application for return of 1) Lenovo K6 Power, 2) Gionee X1, 3) Vivo V5 plus gold, 4) Oppo A37F, 5) Gionee A1 Lite, 6) Vivo V5 plus gold, 7) Vivo V7 Gold, 8) Samsung J2 200 GMDD Gold, 9) OPPO FIS, 10) Comio S1, 11) Gionee A1 Lite, 12) Comio S1, 13) MJ and 14) MJ mobile handsets seized, under the investigation of crime No. 332/2017, registered with P.S. Risod for the offence punishable u/s 457, 380, 414 of the Indian Penal Code.

The Brief Facts Giving Rise to the Present Application:-

02 Applicant Mahavir Madhaorao Gunge claims himself to be the owner of the claimed property. According to him, in the intervening night of 08.12.2017 and 09.12.2017 an unknown accused committed theft from his mobile shopee and stolen 18 mobiles of various companies and some other things. Accordingly, he lodged crime bearing no. 332/2017. During investigation, the police seized the claimed mobile from possession of both the accused. Hence, this application.

03 The application is supported by the verified copies of purchase receipts of the claimed mobiles and identity proof of the applicant. Perused the application and the entire record.

04 The learned APP has filed his say overleaf the application has submitted that the claimed mobiles may be

returned to applicant upon conclusion of trial. Both accused have filed their say overleaf the application and reported that the claimed mobiles are not seized from their possession.

05 From the documents the applicant appears to be the owner of the mobiles. He is the proprietor of Paras Mobile Shopee where the offence is alleged to have taken place. The purchase receipt of the claimed mobiles are in the name of Paras Mobile Shopee. The IMEI numbers on those purchase receipts are verified and found correct as per application. This apart, the crime is registered on the information given by applicant himself. Thus, I do not see any impropriety in restoring the property to its owner on some conditions. No purpose would be served in keeping the seized mobiles with the court. The possibility of the damage to the mobiles can not be ruled out if kept unused in the court.

06 Considering the nature of the seized property, its protection, guarding and safe custody is not reasonably practicable. The seized mobiles may lose their worth and value if kept unused. In the result, the following order is passed.

O R D E R

1. The application is allowed.
2. The property as follows,

Sr. No.	Mobiles	IMEI No.
1.	Lenovo K6 Power	865595031438354, 865595031438362
2.	Gionee X1	865619034211681, 865619034211699

3.	Vivo V5 plus gold	863855035179319, 863855035179301
4.	Oppo A37 F	865636038303652, 865636038303645
5.	Gionee A1 Lite	864898032494322, 864898032494330
6.	Vivo V5 plus gold	863855030923471, 863855030923463
7.	Vivo V7 Gold	866945039483937, 866945039483929
8.	Samsung J2 200 GMDD Gold	354019082703515, 354020082703513
9.	OPPO FIS	864725035626057(1), 864725035626040
10.	Comio S1	911589300136207, 911589300136215
11.	Gionee A1 Lite	864898031377122, 864898031377130
12.	Comio S1	911589300366127, 911589300366135
13.	MJ	863036027433838, 863036027433846
14.	MJ	863035027519075

be handed over to the applicant till the conclusion of the trial, on the applicant executing an indemnity bond of Rs. 2,00,000/-.

3. The applicant to undertake that, he shall not sell or transfer the seized property without the permission of the Court. The applicant to maintain and preserve the property in all respects.
4. Applicant shall produce the property in Court as and when required by the Court.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same word to word, as per the original Judgment/Order.

Name of the Stenographer : P.D. Rudrakshawar

Name of court : C.J.J.D.& JMFC;Risod

Date : 31-01-2020

Judgment/Order signed by the
Presiding Officer : 31-01-2020

Judgment/Order uploaded on : 01-02-2020