

**MHYA010008002019**



**IN THE COURT OF SESSIONS JUDGE, YAVATMAL**

**Sessions Case No. 49/2019**

**State -Vs- Kiran**

**Order Below Exh.98**

**[Passed on 8-9-2021]**

1. Perused the application and say as well as documents attached with the charge-sheet. Heard learned Advocate Shri A.M. Dani for the applicant-accused No.4 Mithun and learned A.P.P. Shri U.K.Pande for the prosecution.
2. The applicant-accused No.4 has filed this application to give his seized mobile on supurtnama in his interim custody till the decision of case. He has filed mobile purchase receipt dated 27-8-2017. As per seizure panchanama dated 10-1-2019, it appears that police seized mobile silver colour make Samsung from the applicant-accused No.4 in Crime No. 1219/2018 Police Station Yavatmal [City] as it was used for the commission of offence etc. It is lying in the Police Station.

3. In view of above mentioned receipt, the applicant-accused No.4 is owner of the seized mobile and as per seizure panchanama it was seized from his possession. Till update nobody claimed on the seized mobile. Therefore, considering application of the applicant-accused No.4, mobile purchase receipt and it was seized from him, he is found entitled to take in possession of the mobile. If the mobile is kept in Police Station till the decision of case, no purpose will be solved and possibility cannot be ruled to tear and wear it as it is electronic item. Hence, I am inclined to give seized mobile to the applicant-accused No.4 in his interim custody till the decision of the case on supurtnama with imposing conditions. Thus, I proceed to pass the following order.

### **Order**

The application Exh.98 is allowed and seized mobile Silver colour, make Samsung in Crime No. 1219/2018 of Police Station Yavatmal [City] be given in interim custody of the applicant-accused No.4 Mithun @ Bhima Shivaji Khade till decision of the case on his executing Bond of Supurtnama under

following conditions :-

[1] The applicant-accused No.4 shall execute bond of supurtnama of Rs. 20,000/- on the record of S.T.No. 49/2019.

[2] The applicant-accused No.4 shall not sell or transfer mobile or change its colour or nature in any mode or manner till the decision of the case.

[3] The applicant-accused No.4 shall produce mobile in the Court as and when called.

[4] After the applicant-accused No.4 executed Bond of Supurtnama, copy of order be given to the concerned Police Station Officer for information and necessary action.

[5] The concerned Police Station Officer – I.O. shall give the mobile in the custody of applicant-accused No.4 with taking acknowledgment thereof from him and copy of it be placed on record of S.T.No. 49/2019.

Place : Yavatmal  
Date : 8-9-2021.

[V.P.Patkar]  
Sessions Judge,  
Yavatmal.