



Order below Exh.1 in Other Misc. Cri. App. No.34/2026

- 1) Through this application, through authorized person applicant **Vasant Manikdas Thamke** is praying for interim custody of seized muddemal i.e. **Sony Led TV 32 W 830, Ahuja Trolley Home-theatre Model No.BTA880 and 02 Mike** which was seized in **C.R.No.666/2026** by Wani police station.
- 2) It is alleged that, It is alleged that, in between 01/10/2025 to 06/10/2025, some unknown person committed theft of above seized muddemal. Applicant is the owner of said muddemal. Therefore, applicant filed the present application. I have called the say of investigating officer, Ld. APP.
- 3) APP filed Say at Exh.07 and submitted that, if the said muddemal is released, it may be used in commission of similar offence and there will be possibility to tamper with the same. Investigating Officer filed say at Exh.06 and submitted that, in pursuance of investigation, they recovered the said muddmal from accused. He lastly prayed for appropriate order may be passed by imposing terms and conditions.
- 4) Indeed, in view of the findings given in the landmark case of **Sundarabhai Ambala Desai Vs. State of Gujarat Reported in AIR 2002 SCW 5301**, where it is directed to the Magistrates that, *the muddemals lying at police station having no use there to be released as expeditiously as possible*, I do not find any reason to detain the said muddemal for infinite period with police station. Further, on perusal of bill (Exh.2/1), applicant appears to be owner of the same. Further, apart from applicant, no other person has claimed the custody of the same. Furthermore, considering all these aspects, I am

of view that, no purpose will serve by keeping the said muddemal at police station. Resultantly, this court is of view that, there is no hurdle to release the muddemal in favour of applicant on appropriate terms and conditions. Thus, applicant is entitle to the interim custody of said muddemal. Hence, I reckon to pass following order.

ORDER

1.	Application is allowed.
2.	Seized muddemal i.e. Sony Led TV 32 W 830, Ahuja Trolley Home-theatre Model No.BTA880 and 02 Mike which was seized in C.R.No.666/2026 by Wani Police Station be given in interim custody to the applicant on executing indemnity bond of Rs.42,000/-.
3.	Applicant shall not alienate or transfer the muddemal till disposal of the case or without permission of the court.
4.	Applicant shall not make any substantial change in the appearance or the part of the muddemal nor should change its colour.
5.	The applicant to produce the said muddemal as and when required for investigation, inquiry or trial.
6.	The applicant to file four photographs of the muddemal before moving it away from the police station portraying therein the registration number and model number. Investigating officer to facilitated the photography.
7.	Information of the order be given to the police station concerned accordingly.
8.	Investigation officer shall tag the papers of Panchanama along with chargesheet.

Date - 09/04/2025
Wani

(**A. B. Biradar**)
Judicial Magistrate F. C., Wani

Certificate

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

Name of the Stenographer	:	G.J.Bhadke
Name of Court	:	2 nd Jt.Civil Judge Junior Division, Wani.