

MHYA210009472021



ORDER BELOW EXH. 62

The application is made for releasing the cash of Rs.17,500/- (In words Seventeen Thousand Five Hundred Rupees only) seized in the instant case.

2. Perused the application, say of A.P.P., say of accused, documents and the record. Heard, the learned A.P.P., the applicant and advocate Ku. V. N. Mandavkar for the applicant.

3. The applicant submitted that he is the owner of the said seized cash. He further submitted that as the cash was seized by Police Station, Wani, he is facing problem in his work. The applicant is ready to abide any condition which would be imposed upon him while releasing cash on his supurtnama. In support of the application, the applicant has filed on record, verified xerox copy of Aadhar card.

4. The learned A.P.P. filed say and submitted that the seized cash is important piece of evidence and prayed for rejection. Accused No.2 filed his say below Exh.67 and rise no objection to released the cash to applicant.

5. In present case, it is not disputed that no one, except the applicant, asked for the custody of cash. The cash is seized from the accused No.2. The accused rise no objection to release the cash on

supurtnama to applicant. Charge-sheet is already filed in the instant crime. Hence, cash of Rs.17,500/- in question is not required for investigation purposes. Under such circumstances, the applicant is appeared to be prima-facie entitled for custody of the cash of Rs.17,500/-. Hence, I deem it suitable to handover the custody of seized cash to the applicant. Hence, the following order.

ORDER

1. The application is allowed.
2. Police Station Officer, Wani Police Station is directed to hand over the interim custody of Cash of Rs.17,500/-(In words Seventeen Thousand Five Hundred Rupees only) seized in instant case bearing Crime No. 114/2021 by Police Station, Wani, Tq. Wani, District Yavatmal to the applicant by name Bhupendra Waman Awari after executing indemnity bond of Rs.17,500/-(In words Seventeen Thousand Five Hundred Rupees only)
3. The applicant is directed to execute indemnity bond before the Court.
4. The applicant is directed to produce the cash of Rs.17,500/- as and when directed by this Court.
5. Investigation Officer is directed to prepare detail panchanama before handing over the cash to the applicant.
6. The applicant shall liable to forfeit the amount of indemnity bond in case of other bonafide claimant/owner found in the future.
7. The application is disposed of.

Dt. 03/08/2021

(Sudhir M. Bomidwar)
Judicial Magistrate, First Class,
(Court No.2), Wani.