

**IN THE COURT OF METROPOLITAN MAGISTRATE,  
32 ND COURT, BANDRA, MUMBAI**

C.C. No. 682/N/2018  
C.R. No. 37/2018.  
Nirmal Nagar Police Station.

**Nizam Shamsuddin Khan**

... Applicant

V/s.

**Sr. Inspector of Police,  
(Nirmal Nagar Police Station)**

...Respondent.

**ORDER BELOW APPLICATION FOR RETURN OF PROPERTY VIZ.  
OPPO COMPANY MOBILE PHONE ALONGWITH SIM CARDS**

By this application the applicant **Nizam Shamsuddin Khan**, is seeking return of one Oppo company mobile phone, as quoted in the application, being entitled for the same. It is further alleged that, it was seized by the Nirmal Nagar police during his interrogation. He is ready to produce the said property whenever required till final disposal of case. The application is supported by various documents such as copy of F.I.R., affidavit.

2. Accordingly say of investigating officer and learned APP were called. Investigating officer raised his no objection to return said mobile to accused, whereas APP have failed to file say.

3. Heard argument, perused the record.

4. Considering the reasons mentioned in application supported by documents, it is evident that, the aforementioned mobile phone may be temporarily released in favor of the applicant, being rightful claimant for the same, since it is recovered from him during interrogation. Moreover, offence is related to passport Act. Hence, upon imposing certain conditions the said mobile may be released in favor of applicant. Hence, the following order :-

**ORDER**

- i) The seized Oppo company mobile phone alongwith SIM cards be handed over to the applicant **Nizam Shamsuddin Khan**, subject to furnishing Indemnity bond of ₹ 9,000/- (Rs. Nine Thousand Only).
- ii) He shall produce the seized muddemal, whenever called by the Court or by the police.
- iii) Investigation Officer shall obtain photographs of seized mobile from all angles for its proper identification in future.
- iv) Copy to the concerned police station for compliance of this order.

Date : 01.10.2018  
ssl.

(Sudhir N. Shinde)  
Metropolitan Magistrate, 32<sup>nd</sup> Court,  
Bandra, Mumbai.