

Order below application for Return of Property

1. On going through record, it appears that, Mahim Police Station has seized and recovered VIVO Y - 83 mobile phone and credit card of Kotak Mahindra bank in crime no. 303/2018. Present applicant has claimed that, her daughter is the owner of the mobile and is in need of same and ready to produce before the Court whenever required. In support of her claim, she has filed an affidavit of herself and her daughter, copy of F.I.R. and copy of Tax invoice on record.
2. On this application say of Ld. APP was called. Ld. APP submitted that, offences are serious in nature and property in question belongs to the daughter of applicant and submitted to pass necessary order.
3. I have perused the originals. Tax invoice/bill produced by applicant shows that mobile VIVO Y – 83 mobile was purchased by daughter of applicant, and being owner is entitled to take custody of mobile in question. Moreover, the mobile is lying in the police station in idle condition and likely to cause damages being electronic device. Per contra, there is no harm to the prosecution, if the application is allowed. With this, I proceed to pass following order :-

ORDER

The Inspector of Mahim Police Station, if in possession of mobile VIVO Y – 83 and Credit Card of Kotak Mahindra bank shall hand over the same to the present applicant.

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Before that the applicant to furnish Indemnity Bond on non-judicial stamp paper of Rs.100/- for Rs.15,000/- (Rupees Fifteen Thousand Only) with undertaking to the effect that,

(a) she will not alienate, destroy, give on rent or part with the possession of the above mobile, and credit card.

(b) she will produce the property before the Police Station or the Court as directed by this Court.

-sd/-

(S. K. MUNGILWAR)

Addl. Chief Metropolitan Magistrate,
9th Court, Bandra, Mumbai

Dt.04/01/2019

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