

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

C.C. No. 674/N/2018
C.R. No. 271/2018.
Nirmal Nagar Police Station.

Gopal Rakesh Vaish

... Applicant

V/s.

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

...Respondent.

**ORDER BELOW APPLICATION FOR RETURN OF PROPERTY VIZ.
VIVO V-9 MOBILE, RED MI NOTE 5 PRO MOBILE AND CASH OF RS.
3,000/-**

By this application the applicant **Gopal Rakesh Vaish**, is seeking return of one Vivo V-9 mobile, Red mi note 5 Pro mobile and cash of Rs. 3,000/-, as quoted in the application, being entitled for the same. It is further alleged that, it was stolen by somebody, therefore he had lodged complaint with Nirmal Nagar police station and said muddemal is recovered by Nirmal Nagar police station. 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, Aadhar card etc.

2. Accordingly say of investigating officer and learned APP were called. Investigating officer rendered his no objection to released said muddemal in favour of applicant on imposing certain terms and conditions. Whereas, learned APP have failed to file his say.

3. Heard argument, perused the record.

4. Considering the reasons mentioned in application supported by documents, it is evident that, the aforementioned muddemal may be temporarily released in favor of the applicant, being rightful claimant for the same, since it is recovered at the instance of complaint lodged by him.

Hence, upon imposing certain conditions the said muddemal may be released in favor of applicant. Hence, the following order :-

ORDER

- i) The seized Vivo V-9 mobile, Red mi note 5 Pro mobile and cash of Rs. 3,000/- be handed over to the applicant **Gopal Rakesh Vaish**, subject to furnishing Indemnity bond of ₹ 50,490/- (Rs. Fifty Thousand Four Hundred Ninety 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 and prepare panchanama for cash amount denoting number of notes, for its proper identification in future.
- iv) Copy to the concerned police station for compliance of this order.

Date : 04.10.2018
ssl.

(Sudhir N. Shinde)
Metropolitan Magistrate, 32nd Court,
Bandra, Mumbai.