

ORDER BELOW EXH.11 IN R.C.C. NO. 118 OF 2018.

CNR: MHST14-000634-2018

Read the application, say filed by learned A.P.P. on it. Perused record and documents.

2) The applicant has filed present application under section 457 of Cr.P.C. for returning seized TV of Sony company i.e. LED-32 inches R412 D 12.5% Sr. no.4223149, in connection with Crime No. 316 of 2017, registered with Phaltan City Police Station. Learned A.P.P. gave no objection to release seized TV on certain terms and conditions.

3) Though the applicant filed present application u/s 457 of Cr.P.C. but present application is filed during the pendency of trial. Hence, present application treated to be filed u/s 451 of Cr.P.C. Annexed documents i.e. purchase receipt of seized TV, photo copy of delivery chalan dt.23/03/2017 vide list exh.15 shows that the applicant is registered owner of the seized LED TV. Therefore, the applicant is entitled to get possession of seized LED TV during pendency of trial. On perusal of the documentary evidence on record, the applicant has prima-facie established his right over the seized LED TV. Possibility of damage to seized LED TV can not be ruled out if it is kept lying in the Police Station. Trial is not likely to be concluded in near future. In view of above discussion I pass the following order.

ORDER

1. The application is allowed.
2. The seized LED-32 inches R412 D 12.5% Sr. no.4223149 worth Rs.28,700/- be handed over to the applicant till conclusion of the trial on executing indemnity bond of Rs.30,000/- respectively on below mentioned conditions:-
 - a] The applicant do undertake that she shall not sell, transfer or make any change in the seized LED TV without

prior permission of the court.

- b) The applicant do maintain and preserve the LED TV in all respect.
- c) The applicant shall produce LED TV as and when directed.

- 3. Issue letter to the concern Police Station after compliance of the order.

Place : Phaltan

Date : 19.07.2019.

(K.K.Patil.)

Judicial Magistrate First Class,
Phaltan.