



Oth. Misc.Cri.Appli. No. 59/2026
Keshav Madhukar Maloikar Vs. State
CNR No. MHAM120016142026

Order Below Exh. 01

1) This is an application filed by the applicant under section 503 of B.N.S.S. for getting back the custody of 100 grams silver anklets (तोरेडी) seized in Crime No.416/2024 registered at Daryapur Police Station for the offences punishable under section 305, 331(2), 331(4) of the B.N.S. It is submitted that applicant is running Malokar Jewelry shop at Daryapur. On 20.07.2024 at 09.15 p.m. he went to his shop, it's lock was break. When he entered into shop and inspected the ornaments he found that his six silver idols of god and 100 grams silver anklets are stolen. Hence, he filed complaint to police station. During the investigation, police have recovered 100 grams silver anklets from the accused person. Hence, he has prayed to allow the application.

2) The Investigating officer has filed his say (Exh. 05). He has submitted that during investigation, 10 grams of silver anklet is seized. Applicant has filed receipts of seized muddemal. Hence, he has no objection hand over the muddemal to the applicant. Ld. APP also filed his say at Exh. 06 and submitted that applicant demanded his 100 grams silver anklets but in say of investigating officer shows that only 10 grams of silver anklet was seized. He further submitted that applicant has not filed receipts of muddemal on record. Lastly, he prayed to pass appropriate order.

3) As there is discrepancy in the application and say of the IO in respect of quantity of the seized muddemal, say of the IO as well as applicant was called in this regard. IO submitted it vide (Exh.7) and thereby clarified that in the present crime, 10 grams silver anklet is seized. He has filed copy of memorandum and seizure panchnama (Exh.8) as well as muddemal receipt (Exh.9). These documents show that in the present crime only 10 grams of silver anklet is seized. Ld. Advocate for applicant filed pursis (Exh.10) and submitted that actually applicant want seized 10 grams of silver anklet.

4) In order to prove the claim, applicant has filed photocopy of FIR and verified copy of his adhar card. FIR transpires that on the date of the incident, unknown persons broke jewelry shop of the applicant and stolen six silver god idol and 100 grams silver anklets. Say of the IO transpires that one pair of silver anklet weight 10 grams is seized from the accused person in the alleged crime. Admittedly, applicant is the informant in the crime. I.O. submitted in his say (Exh.5) that applicant submitted documents in respect of seized muddemal before him. Further it shows that the above muddemal is recovered from these accused person. Moreover, He has not raised any objection to hand over it's interim custody to the applicant. Hence, applicants appears to be the person entitled to the custody of the seized muddemal.

5) Thus, considering the guidelines for releasing vehicle/goods issued by the Hon'ble Apex Court in **Sunderbhai Ambalal Desai Vs. State of Gujrat, 2002(9) Scale, page 153;** I am

of the opinion that no purpose would be served by keeping said mobile idle at police station. If it is kept lying, it will cause damage to it and deteriorate its condition. Therefore, in the interest of justice present application deserves to be allowed by imposing certain conditions. Hence, the order;

ORDER

- 1] Application is allowed.
- 2] Interim custody of one silver anklet of 10 grams seized in crime no. 416/2024 registered at Daryapur, Police Station be handed over to the applicant till conclusion of trial on executing indemnity bond of ₹ 1,000/- (Rs. One Thousand only) by the applicant before the Investigating Officer.
- 3] Before giving the custody of aforesaid metal muddemal, Investigating officer shall verify its purity and weight through a jeweler in presence of the applicant as well as two panchas and prepare detail panchnama in this regard.
- 4] Investigation officer shall draw another panchnama in presence of panchas describing the appearance of all the muddemal.
- 5] Investigating officer shall snap photographs of all the muddemal.
- 6] Photographs and panchanamas be relied upon by the prosecution during the trial for proving the identification of the muddemal.
- 7] Applicant is directed not to alter, modify, sale or change the condition of the metal muddemal and he shall produce the entire muddemal before the Court as and when directed.

Issue letter to police station accordingly.

(S. D. Kamalakar)

Date :10.08.2026.

Judicial Magistrate (F.C.), Daryapur.

