

Order below application for return of property

1. On going through record, it appears that, Khar Police Station has seized Samsung Galaxy-SMG 531-F/DD and Samsung J5 Mobiles during personal search of accused no. 1 in crime no.390/2018. Present applicant has claimed that, he is owner of seized mobiles and in urgent need of mobiles. He is ready to produce mobiles before the Court whenever required. In support of her claim, applicant has filed his affidavit, Copy of FIR, bill of one mobile.

2. On this application say of Ld.APP and I.O. was called. I.O and APP have raised strong objection on the ground that applicant is accused in this case and he has not produced documents of ownership of seized mobiles. They prayed for dismissal of the application.

3. Admittedly mobiles are seized during personal search of accused no. 1, who is present applicant. Admittedly, seized mobiles have no concern with this crime and they are not required during trial. Applicant has filed bill of one mobile. Applicant being owner is entitled to take custody of mobiles in question. Moreover, the mobiles are lying in the police station in ideal condition and likely to cause damage. Per contra, there is no harm to the prosecution, if the application is allowed on stringent condition. With this, I proceed to pass following order :-

ORDER

The Inspector of Khar Police Station, if in possession of the Samsung Galaxy-SMG 531-F/DD and Samsung J5 Mobiles, shall hand over the same to the present applicant.

Before that the applicant to furnish Indemnity Bond on non-judicial stamp paper of Rs.100/- for Rs.10,000/- (Rupees Ten Thousand Only) undertaking to the effect that,

(a)He will not alienate, destroy, give on rent or part with the possession of the above vehicle,

(b)He will produce the property before the Court as and when required.

(S. K. MUNGILWAR)
Addl.Chief Metropolitan Magistrate,
9th Court, Bandra, Mumbai

Dt.22/01/2019