

ORDER BELOW APPLICATION FOR RETURN OF PROPERTY

1] This is an application filed by applicant for return of property namely golden mani weighing of 15 grams valued at Rs.45,000/- and golden earring weighing of 15 grams valued at Rs.34,000/- seized in C.R. No.306/2018 registered under section 379 of the I.P.C. by Dharavi Police Station.

2] On the application say of the respondent was called. The Investigating Officer has filed say wherein no objection to handover custody of seized property to the applicant on certain terms and conditions is conveyed. Ld. APP filed say and submitted that the part of stolen property recovered under panchanama and the same is required at the time of trial.

3] In support of application, the applicant has filed on record his own affidavit and submitted that he is registered owner of the said property.

4] Perused application, documents, say and affidavit in support of application. Heard advocate for accused. On perusal of First Information Report and say of Investigating Officer there is difference in description of property which applicant mentioned in First Information Report and recovered by Investigating Officer. Also, the applicant has not filed any document showing ownership and custodian of the said property. Hence, I does not find that applicant is entitled for custody of the said property. Hence, I pass the following order.

ORDER

a] The application stands rejected.

Mumbai
Date : 07/06/2019


(Jaydeo Y. Ghule)
Metropolitan Magistrate
12th Court, Bandra, Mumbai