

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

C.C. No. 805/N/2018
C.R. No. 291/2017.
Nirmal Nagar Police Station.

Farheen Israr Ahmed Khan

... Applicant

V/s.

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

...Respondent.

ORDER BELOW APPLICATION FOR RETURN OF
GOLD EARRING WEIGHING 6.490 GRAMS

By this application the applicant **Farheen Israr Ahmed Khan**, is seeking return of seized muddmal property viz. Gold earring weighing 6.490 grams, worth Rs. 18,000/-, as quoted in the application, being entitled for the same. It is further submitted that, the applicant lodged report with Nirmal Nagar police station for the offence punishable under section 498A, 427, 504, 506 r/w 34 of IPC and said muddmal was recovered during the panchanama. It is further alleged that said muddmal is recovered by Nirmal Nagar police station. She 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 and copy of invoice etc.

2. Accordingly say of investigating officer and learned APP were called. Both investigating officer and APP have failed to file their say.

3. Heard argument, perused the record.

4. Considering the reasons mentioned in application supported by documents, it is evident that, the aforementioned muddmal may be temporarily released in favor of the applicant, being owner of the same,

since it is recovered at the instance of complaint lodged by her. Hence, upon imposing certain conditions the said muddemal may be released in favor of applicant. Hence, the following order :-

ORDER

- i) The seized Gold earring weighing 6.490 grams be handed over to the applicant **Farheen Israr Ahmed Khan**, subject to furnishing Indemnity bond of ₹ 18,000/-
- ii) She shall produce the seized muddemal, whenever called by the Court or by the police.
- iii) Investigation Officer shall obtain photographs of seized muddemal from all angles for its proper identification in future and note down the denomination of currency notes for evidence purpose.
- iv) Copy to the concerned police station for compliance of this order.

Date : 01.12.2018
ssl.

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