

IN THE COURT OF METROPOLITAN MAGISTRATE,
36th COURT MUMBAI CENTRAL, MUMBAI.

C. C. NO. :- 211/MISC./2019.

C. R. NO. :- 965/2019.

Railway Police Station :- Mumbai Central.

Neelkanth Harichandra Kolekar.

.... Applicant.

V/s.

The Sr. Inspector of Police,
(Railway Police Station, Mumbai Central)

.... Respondent.

ORDER BELOW EXH.-1

The applicant viz. Neelkanth Harichandar Kolekar has filed application for releasing his mobile handset Samsung made Model No. Galaxy J7, I.M.E.I. No. 354741089275664 and 354742089275662. The Investigating Officer, gave no objection for handing over the seized mobile handset in favour of the applicant. Ld. A.P.P. submitted that the mobile handset will require for identification during the trial. It is prayed that, necessary order be passed.

2] Heard both sides.

3] During the investigation mobile handset is recovered. It also appears that, as per the report lodged by present applicant a crime bearing No. 965/2019, P.U.S. 379 of I.P.C., is registered against accused viz. Rehmatullaha Abdul Wahid Shaikh, at police station, Mumbai Central. In support of application applicant placed on record copy of invoice which discloses that applicant purchased said mobile handset from Raj Electronics, on 13/05/2017, for an amount of ₹16,000/-. Applicant also filed copy of his Aadhar Card and F. I. R. No purpose would be served by keeping the mobile handset by police station itself. Applicant is entitled for getting custody of mobile handset. Therefore, the order :

ORDER

- 1] The seized mobile handset Samsung made Model No. Galaxy J7, I.M.E.I. No. 354741089275664 and 354742089275662, be given to the applicant viz. Neelkanth Harichandra Kolekar, R/o.- Shri Astavinayak Rahivasi Seva Sangh, on indemnity Bond of ₹ 17,000/- (Seventeen Thousand), which is to be executed before Investigating Officer of Railway Police Station, Mumbai Central, on following condition :
 - (a) The applicant shall produced the mobile handset, as and when required.
 - (b) The applicant shall not transfer or alienate the seized mobile handset till the decision of the main case.
 - (c) The applicant shall not change the nature of the seized mobile handset by any manner till the decision of the main case.
- 2] The Investigating Officer shall furnish the Indemnity Bond alongwith the final report / chargesheet, in this Court.
- 3] This proceeding be kept with the remand papers of C. R. No.965/2019 of Railway Police Station, Mumbai Central, Mumbai for merging the same in the main case after filing the chargesheet, if any.

Sd/-

(G. P. Bawaskar)

Metropolitan Magistrate,
36th Court, Mumbai Central,
Mumbai.

Date : 09/07/2019.
SRD.