

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

C. C. NO. :- 325/MISC./2019.

C. R. NO. :- 351/2019.

Railway Police Station :- Churchgate.

Sushil Govind Adhikari.

.... Applicant.

V/s.

The Sr. Inspector of Police,

(Railway Police Station, Churchgate, Mumbai).

.... Respondent.

ORDER BELOW EXH.-1

The applicant viz. Sushil Govind Adhikari has filed application for releasing mobile handset of Techno made, Black colour, I.M.E.I. No. 911629851011084 and 911629851011092. 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.351/2019, punishable under section 392 of Indian Penal Code, is registered against accused viz. Rakesh Arun Patil. In support of application applicant placed on record copies of his Aadhar Card, F. I. R. and his own affidavit. Applicant also placed on record affidavit of Kartikeya Dube supported with his Aadhar Card, stating that he had gifted said mobile to applicant and he is unable to produce purchase bill of said mobile, as it is lost . No purpose would be served by keeping the mobile handset at police station itself. Applicant is entitled for getting custody of mobile handset. Therefore, the order :

ORDER

- 1] The seized mobile handset of Techno made, Black colour, I.M.E.I. No. 911629851011084 and 911629851011092 be given to the applicant viz. Sushil Govind Adhikari, R/o.- Room No.3, Babulnath Pandey Chawl No.202, Shivaji Nagar NO.1, Juhu Tara Road, K. K. G. Marg, Santacruz (W), Mumbai on indemnity Bond of ₹20,000/- (Twenty Thousand), which is to be executed before Investigating Officer of Railway Police Station, Churchgate, Mumbai, on following condition :
 - (a) The applicant shall produce the mobile handset, as and when required.
 - (b) The applicant shall not transfer or alienate the seized mobile handset and shall not change it's nature, 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.351/2019 of Railway Police Station, Churchgate, 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 : 13/11/2019.
SRD.