

**IN THE COURT OF METROPOLITAN MAGISTRATE,**  
**36<sup>th</sup> COURT MUMBAI CENTRAL, MUMBAI.**

C. C. NO. :- 265/MISC./2019.

C. R. NO. :- 1529/2019.

Railway Police Station :- Bandra.

Raju Ramavtar Gupta.

.... Applicant.

V/s.

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

.... Respondent.

**ORDER BELOW EXH.-1**

The applicant viz. Raju Ramavtar Gupta has filed application for releasing mobile handset of Vivo made, Model No. Y-15, Black coloured, I.M.E.I. No. 866985047553255 and 866985047553248. 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.1529/2019, P.U.S. 392 of I.P.C., is registered against accused viz. Aadarsh Parshuram Chauhan, at police station, Bandra, Mumbai. In support of application applicant placed on record copy of invoice, which discloses that brother-in-law of applicant purchased said mobile handset, on 04/08/2019, for an amount of ₹14,000/-, from Rohit Eletronics and Electric, Surat. Applicant also filed copies of his Aadhar Card, Aadhar Card of his brother-in-law, F. I. R. and affidavit of his brother-in-law and affidavit of his brother-in-law viz. Om Prakash Ramlal Gupta, stating that, he gifted said mobile to applicant and having no objection to return said mobile to applicant. 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 Vivo made, Model No. Y-15, Black coloured, I.M.E.I. No. 866985047553255 and 866985047553248 be given to the applicant viz. Raju Ramavtar Gupta, R/o.- Prakash Chawl, Room No.14, Shantilal Compound, Jawahar Nagar, Khar (E), Mumbai, on indemnity Bond of ₹15,000/- (Fifteen Thousand), which is to be executed before Investigating Officer of Railway Police Station, Bandra, 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 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.1529/2019 of Railway Police Station, Bandra, Mumbai for merging the same in the main case after filing the chargesheet, if any.

**Sd/-**

**(G. P. Bawaskar)**

Metropolitan Magistrate,  
36<sup>th</sup> Court, Mumbai Central,  
**Mumbai.**

Date : 27/08/2019.  
SRD.