

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

C. C. NO. :- 249/MISC./2019.

C. R. NO. :- 218/2019.

Railway Police Station :- Churchgate.

Sharmeen Abdul Sattar Shaikh.

.... Applicant.

V/s.

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

.... Respondent.

ORDER BELOW EXH.-1

The applicant viz. Sharmeen Abdul Sattar Shaikh has filed application for releasing mobile handset of Oppo made, Model No. F9 Pro, Red coloured, I.M.E.I. No. 866778042150056 and 866778042150049. 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.218/2019, P.U.S. 379 of I.P.C., is registered against unknown accused, at police station, Churchgate, Mumbai. In support of application applicant placed on record copies of her Aadhar Card, PAN Card, F. I. R. Applicant also placed on record her affidavit stating that she is unable to produce receipt 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 Oppo made, Model No. F9 Pro, Red coloured, I.M.E.I. No. 866778042150056 and 866778042150049, be given to the applicant viz. Sharmeen Abdul Sattar Shaikh, R/o.- Plot No. 43, N Line, Room No.30, Shivaji Nagar, Govandi (E), 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 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.218/2019 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 : 16/08/2019.
SRD.