

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

C. C. NO. :- 255/MISC./2019.

C. R. NO. :- 1485/2019.

Railway Police Station :- Bandra.

Somkar Shivraj Mende.

.... Applicant.

V/s.

The Sr. Inspector of Police,

(Railway Police Station, Bandra, Mumbai).

.... Respondent.

ORDER BELOW EXH.-1

The applicant viz. Somkar Shivraj Mende has filed application for releasing mobile handset of One Plus made, Model No. 3, I.M.E.I. No. 862563037556259 and 862563037556242. 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 from accused viz. Mohd. Abdul Kadar Shaikh. It also appears that, as per the report lodged by present applicant, a crime bearing No.1485/2019, P.U.S. 392 of I.P.C., is registered against accused viz. Mohd. Abdul Kadar Shaikh, at police station, Bandra, Mumbai. In support of application applicant placed on record copy of invoice, which discloses that Aumkar Shivraj Mendhe, brother of applicant, who purchased said mobile handset from amazon.in, on 10/10/2016, for an amount of ₹27,999/-. Applicant also filed copies of his Aadhar Card, Aadhar Card of his brother, F. I. R. and affidavit of his brother viz. Aumkar Shivraj Mendhe, 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 One Plus made, Model No. 3, I.M.E.I. No. 862563037556259 and 862563037556242, be given to the applicant viz. Somkar Shivraj Mende, R/o.- Flat No. 104, Building No. 2/A, New MHADA Colony, Near NNP, 1 & 2 Goregaon (E), Mumbai, on indemnity Bond of ₹40,000/- (Forty 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.1485/2019 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,
36th Court, Mumbai Central,
Mumbai.

Date : 22/08/2019.
SRD.