

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

C. C. NO. :- 317/MISC./2019.

C. R. NO. :- 1320/2019.

Railway Police Station :- Mumbai Central.

Rajesh Ramesh Mali.

.... Applicant.

V/s.

The Sr. Inspector of Police,

(Railway Police Station, Mumbai Central, Mumbai)

.... Respondent.

ORDER BELOW EXH.-1

Present application is moved by Rajesh Ramesh Mali for releasing seized mobile handset in his favour. It is contended that his mobile handset is seized by police, in C. R. No.1320/2019, punishable under section 379 of Indian Penal Code, registered at police station Mumbai Central. The mobile handset is of his daily use. It is prayed that custody of mobile handset be given to him.

2. Investigation Officer gave no objection for handing over seized mobile handset to the applicant. Ld. A.P.P. opposed the application stating that the mobile will require for the trial. It is prayed that the application be rejected.

3. In support of application applicant placed on record copy of F.I.R., which shows that he lodged report, on 02/09/2019, at police station Mumbai Central, stating that his mobile handset of Oppo company is stolen by Babu Kumar Shababa. He also filed copy of invoice, which discloses that, he purchased Oppo company mobile handset, from Shiv Enterprises, Vadodara, on 28/02/2019, for an amount of ₹.8,990/-. Said invoice discloses that I.M.E.I. number of mobile handset purchased by the applicant is 869185034164458, while I.M.E.I. number of seized mobile handset is 869165034164458. As

such, the mobile handset recovered is not the same, which was purchased by the applicant. So the custody of mobile handset cannot be given to applicant. In these circumstances, following order.

ORDER

1. Application stands rejected.

Sd/-

(G. P. Bawaskar)

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

Date : 19/10/2019.
SRD.