



ORDER BELOW EXH.60 IN RCC No.344/2022.

1. Applicant namely; Atharv Dhairyshil Patil filed present application for seeking interim custody of mobile phone model MOTO G 6 which was seized in crime No.866/2021 by police station, Islampur, Tal. Walwa, Dist. Sangli.
2. It is the contention of Applicant that, he is the owner of mobile phone model MOTO G 6. As the Applicant being the registered owner of the mobile phone in question, he is in need of the above said mobile phone for his daily use. The seized mobile phone is lying in idle condition in police station, Islampur from the date of its seizure. At last, he prayed for giving interim custody of the above mobile phone on certain conditions.
3. Say of Investigating officer as well as learned A.P.P. was called. The Investigating Officer has filed his say at Exh.69 and submitted that, the mobile phone is not seized by investigating officer in above mentioned crime. Learned A.P.P has filed her say and submitted that, mobile phone is not seized hence, application be rejected.
4. I have heard learned counsel appearing on behalf of Applicant as well as learned A.P.P.

5. Perused the application, charge-sheet and documents placed on record. It appears that, investigating officer has not seized above mentioned mobile phone in the present crime. The applicant has not filed any document on record which shows that, during investigation the investigating officer seized above mentioned mobile phone. As above mentioned mobile phone is not seized in present crime, hence, application is liable to be rejected. In the result, this court pass following order:-

ORDER

Application is hereby rejected.

Dated:- 20.09.2023.

(Kamaljeet M. Chandaliya)
5th Judicial Magistrate F.C,
Islampur.