

MHAU140013922026

**ORDER BELOW EXHIBIT NO.1**

(Passed on 06.07.2026)

1. The present application is for release of Moto ADB-50 Company blue colour mobile handset on supurtnama under Section 503 (2) of Bhartiya Nagrik Suraksha Sanhita 2023. On the application say of I.O. and Ld. APP were called. Ld. APP prayed for passing appropriate order and I.O. have submitted in his say that suitable order be passed as per law. The learned Counsel for the applicant furnished a pursis stating that the name of mobile be read as Moto Edge-50 as by mistake it's name is mentioned as Moto ADB-50.
2. It is contended by the applicant that Moto Edge-50 Company blue colour mobile belonged to his son. It is further contended by the applicant that on 24.04.2026, when his son Krishna was traveling from Nashikroad to Jalna by Rajarani Express, the said mobile was stolen by some unknown person by taking disadvantage of crowd. Therefore, complainant lodged complaint against it at GRP Aurangabad vide Cr. No.157/2026. It is further contended that the said mobile is seized by the GRP Aurangabad in Crime No.157/2026. It is further contended that he requires the aforesaid mobile for his personal use. He prayed that the said mobile handset be released on supurtnama in her favour.
3. Heard the Ld. Advocate for the applicant and Ld. APP for state. Perused the record.
4. On perusal of documents on record, it reveals that the

applicant has submitted certified copy of FIR, scan copy of mobile bill, which is in the name of Krishna i.e. the son of the applicant, scan copy of Aadhaar card of applicant and affidavit of Krishna Sadanand Nagawe stating that the said mobile belongs to him and he has no objection if the said mobile is returned to his father. On perusal of the application and the mobile bill receipt, I find that the name mentioned and IMEI numbers from bill and FIR are matching. Therefore, it can be prima facie concluded that the said mobile belongs to the son of the applicant only.

5. On perusal of the record, it also appears that the aforesaid mobile handset was seized by the GRP Aurangabad from possession of the accused. It also appears that except applicant nobody claimed possession of said mobile. As the applicant has shown her entitlement, interim custody of seized mobile is required to be handed over to applicant. Further, in case of *Sunderbhai Ambalal Desai Vs. State of Gujarat AIR 2003, S.C. 638, Hon'ble Supreme Court* had given directions in respect of handing over interim custody of seized articles, to avoid loss and damage to owner of said article, as resulting from keeping said article unused for long time. Therefore, it would be just and proper to release the above said mobile in favour of the applicant on some conditions. Accordingly, the application deserves to be allowed. Hence, I proceed to pass following order :-

ORDER

1.	The application is hereby allowed.
2.	The seized Moto Edge-50 Company blue colour mobile handset be released in favour of the applicant Sadanand Narayan Nagawe on furnishing the indemnity bond (Supurtnama) in the sum of Rs.22,500/- (Rs. Twenty Two

	Thousand Five hundred Only) and it be kept along with original case papers, on conditions that he shall not use mobile for any illegal purpose and he shall not change it's nature by any way and shall not alienate or transfer to anybody till the final disposal of the main crime bearing No.157/2026 of GRP Aurangabad.
3.	The GRP Aurangabad is hereby directed to hand over the interim custody of the aforesaid mobile handset to the applicant on his verification and by taking colour photographs of the aforesaid mobile and preparation of panchanama in respect of handing over the custody in presence of two panchas and counter signed by applicant.
4.	The applicant shall produce the aforesaid mobile handset as and when required by this Court and shall bring the said mobile phone at the time of evidence before this court without fail.
5.	The GRP Aurangabad is hereby directed to submit the photographs of aforesaid mobile and panchanama and copy of this order with final report without fail.
6.	The applicant shall present the supurtanama/bond before the GRP Aurangabad only.

Place:- Aurangabad.
Date :- 06.07.2026

(S. M. Aher)
Judicial Magistrate First Class
(Railways), Aurangabad.

CERTIFICATE

I affirm that the contents of this **P.D.F.** file Order are same word to word, as per the original Order.

Name of the Stenographer : On Leave

Court Name : J.M.F.C. (Railways), Aurangabad.

Date : 06.07.2026

Order signed by the

Presiding Officer On : 06.07.2026

Order uploaded on : 06.07.2026