

IN THE COURT OF JUDICIAL MAGISTRATE (FIRST CLASS),
15TH COURT, MAZGAON, MUMBAI.

C. C. No. 1022/Misc/2023

in C. R. No. 292/2023 of Matunga Police Station, Mumbai.

ORDER ON APPLICATION FOR RETURN OF PROPERTY.

1] The present application is filed by the applicant accused namely Rajkumar Sathyadev Das requesting therein for return of seized property.

2] The applicant accused in the present application stated that in the FIR No.292/2023, police have seized I-Phone 12 mobile phone of Rs.68,000/-. The seized mobile belong to him. He requested to return the said seized property to him on execution of necessary bond. To support his contentions, he has filed on record copy of F.I.R., Tax Invoice standing in the name of Shital Ghanwat and Aadhar Card. The applicant has also filed his affidavit and No Objection of Shital Ghanwat in support of his application.

3] Say of Investigating Officer and Ld. APP was called.

4] Investigating Officer has given his no objection to release the seized property to the applicant by imposing certain terms and conditions.

5] Ld. APP has objected the application on the ground that if the custody of seized property is handed over to the applicant, there is possibility of hampering by way of selling.

6] Heard. Perused the record.

7] On perusal of FIR, it reveals that the applicant is the accused in FIR No.292/2023 of Matunga police station and abovesaid property is seized from the possession of accused at the time of raid.



The applicant has filed No Objection of Shital Ghanwat who stated that the abovesaid mobile stands in her name and she has no objection to return the abovesaid mobile phone to the applicant. From the affidavit of Shital Ghanwat, it appears that abovesaid mobile phone was seized from the applicant accused by police at the time of raid and it is owned by her. The property is not claimed by any other person. It being electronic device, there is possibility of damage to it if kept unused at police station. Hence, considering the facts and circumstances and no objection of owner of mobile namely Shital Ghanwat, I think no prejudice will be caused to the prosecution if the said seized property is returned to the applicant by imposing certain terms and conditions. Hence, I proceed to pass the following order:-

ORDER

- i. The applicant's prayer for return of property is hereby allowed.
- ii. The applicant is directed to execute Supurtanama bond of Rs.70,000/- (Rupees Seventy Thousand Only) before P.I. of concerned police station.
- iii. The applicant accused is further directed to produce the said muddemal as and when required by the Court during the pendency of trial and not to change its nature, not to sell or exchange till final disposal of the case.
- iv. Investigating Officer is directed to file Supurtanama bond and take photographs of the muddemal and submit it in the Court alongwith charge-sheet.

(S. D. Panjwani)

Judicial Magistrate (First Class),
15th Court, Mazgaon, Mumbai.

Date:- 11.02.2025