

ORDER BELOW EXHIBIT NO.1 IN Cri. M.A. NO. 01/2018.

(Hanuman Vs. G.R.P. Aurangabad)

(CNR No.MHAU14-000001-2018)

1- Instant application is being filed by applicant for release of Samsung company mobile under section 457 of the Code of Criminal Procedure, 1973. On the application say of APP & I.O. were called. Accordingly, they filed their say. Both are having no objection to release the said mobile in favour of applicant on supurtnama.

2- It is contended by the applicant that Samsung company mobile J-7 bearing IMEI No.352347087539143 worth of Rs.12,550/- is owned and possessed by him. It is further contended that said mobile is seized by the P.S. GRP Aurangabad in Crime No.I-651/2017. It is further contended that the aforesaid mobile is required for personal use of the applicant. He prayed that the said mobile be released on supurtnama in his favour.

3- Heard. Applicant contended that P.S. G.R.P. Aurangabad seized aforesaid mobile during the investigation and Crime No.I-651/2017 for an offence punishable under section 379, r/w 34 of I.P.C. Applicant lodged report of incident at Railway Police Station Aurangabad. On perusal of documents on record, it reveals that the applicant has submitted verified copies of mobile purchased bill, Adhar Card of applicant and Adhar Card of applicant's nephew. Applicant also filed copy of F.I.R. No objection Certificate on bond paper of Rs.100/- of Anatha Vyankatrao Kapse regarding said mobile.

4- On going through documents on record, it appears that aforesaid mobile was owned by applicant's nephew Anantha Vyankatrao Kapse and he is having no objection to handover the said mobile to the applicant. The said mobile was possessed by applicant. The aforesaid mobile is seized from the possession of the accused. Furthermore, except applicant nobody claimed possession of said

mobile. It appears that aforesaid mobile is not required for the purpose of investigation. On perusal of the aforesaid document, it reveals that the applicant is owner and possessor of said mobile. So, it would be just and proper to release the aforesaid 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 Samsung company mobile J-7 bearing IMEI No.352347087539143 worth of Rs.12,550/- be released in favour of the applicant Hanuman Vitthal Kakde on furnishing the indemnity bond in the sum of Rs.13,000/- (Rs. Thirteen Thousand only) on conditions that 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.I-651/2017.
- 3- The GRP Aurangabad Police is hereby directed to hand over the interim custody of the aforesaid mobile to the applicant Hanuman Vitthal Kakde on his verification and by taking photographs of the aforesaid mobile and preparation of panchanama in respect of handing over the custody in presence of two panchas.
- 4- The applicant shall produce the aforesaid mobile as and when required by this Court without fail.
- 5- The P.S. GRP Aurangabad is hereby directed to submit the photographs of aforesaid mobile and panchanama before this Court without fail.

Date : 05/01/2018.

Sd/-
(**M. A. Husain**)
Judicial Magistrate First Class
(Railways), Aurangabad.

CERTIFICATE

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

Name of Stenographer : A. V. Chopade

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

Date : 05/01/2018

Order signed by the Presiding Officer : 05/01/2018

Order uploaded on : 05/01/2018

.....