

ORDER BELOW EXH-1 IN MISC. CRI. APPLICATION
NO.01/2018

Perused the application, say of learned A.P.P. and I.O.
Heard both sides.

2) The present application is filed under Section 457 of the Code of Criminal Procedure for releasing seized Mobiles i.e. 6 mobiles of Samsung company, 14 mobiles of *Jio* company and 4 mobiles of Lava company on *Supurdnama*. It is contended that applicant is the owner of *Hari Om Mobile Shop*, at *Warthi*. During night on 28/05/2018, theft was committed at the mobile shop of applicant and the unknown person stolen the mobile phones and mobile accessories alongwith some bill files. On next day, the applicant lodged the report at police station *Warthi* regarding theft. The police of *Warthi* police station seized the mobiles in crime No.94/2018. The applicant is the owner of 6 mobiles of Samsung company, 14 mobiles of *Jio* company and 4 mobiles of Lava company. Applicant is ready to abide by the conditions imposed by the Board. Hence, it is prayed to release the seized mobiles on *supurdnama* of applicant.

3) The IO has filed his say at Exh.5 and 6 and thereby submitted that he has no objection to release the seized 6 mobiles of Samsung company, 14 mobiles of *Jio* company and 4 mobiles of Lava company in favour of applicant.

4) Learned A.P.P. filed the say on the overleaf of application and thereby submitted that he has no objection on the application of applicant.

5) In support of the contention, the applicant has filed the verified copies of his *Aadhar* card, verified copies of bills of mobiles, his affidavit as well as xerox copy of F.I.R. of crime No.94/2018 of P.S. *Warthi*. On perusal of bills of mobiles it appears that applicant is the

owner of 14 mobiles of *Jio* company and 4 mobiles of *Lava* company. On perusal of report, it appears that 2 mobiles each of *Samsung* company bearing model No.313 and 1200 respectively, were stolen from the shop of applicant. From the contentions made in the application and the documents filed alongwith the application, We are of the view that applicant is entitle to receive the interim custody of 14 mobiles of *Jio* company, 4 mobiles of *Lava* company and 4 mobiles of *Samsung* company only. In the result following order is passed:-

ORDER

- 1) The application is partly allowed.
- 2) Seized 14 mobiles of *Jio* company, 4 mobiles of *Lava* company and 2 mobiles each of *Samsung* company bearing model No.313 and 1200 respectively be released in favour of applicant on his executing indemnity bonds of Rs. 45,000/- (Rs. Forty Five Thousand only), on the following conditions:-
 - (i) That the above mobiles shall not be transferred, alienated, sold or modified till the decision of the trial of crime No.94/2018 of P.S. Warthi.
 - (ii) That the above mobiles shall be produced as and when directed either by Board or by the I.O.
- 3) The applicant shall execute the indemnity bond before the Board.

Bhandara.

Date:07-09-2018.


(Prof. Mrs. Jyoti Naktode)
Member
Juvenile Justice Board
Bhandara


(Adv. Mrs. Sanika Wadnerkar)
Member
Juvenile Justice Board
Bhandara


(Mrs. D.M. Judge- Dhaliwal)
Principal Magistrate
Juvenile Justice Board,
Bhandara