

Presented on : 11/01/2018
Registered on : 11/01/2018
Decided on : 09/02/2018
Duration : YY/MM/Days
00 00 28

IN THE COURT OF AD HOC ADDITIONAL SESSIONS JUDGE-1,
RAIGAD-ALIBAG

(Presided over by B.C.Kamble)

Criminal Revision Appln.No.01/2018
CNR No.MHRG-01-000107-2018
Exh.No. 8

V.R.C. Logistic Pvt.Ltd.,)
Through its Manager,)
Mr.Ashmeet Singh Sethi,)
Age – 33 years, Occ. Service,)
R/o.Dhanlaxmi Wearhouse No.1095)
Jambhulpada Chirle, Tal.Uran,)
Dist.Raigad,) **...Applicant**

Versus

The State of Maharashtra)... **Opponent**
(Uran Police Station))

Shri.N.A.Shaikh : Advocate for Applicant
Smt. Smita Dhumal : A.P.P. for State

**Application against order
passed in Cri.Misc. Application
No.216/2017 by Judicial
Magistrate First Class, Uran on
03/01/2018.**

JUDGMENT

(Delivered on 09/02/2018)

1] Feeling aggrieved and dissatisfied by order
passed in Cri.Misc. Application No.216/2017 by

Judicial Magistrate First Class, Uran on 03/01/2018, the present Criminal Revision Application is preferred.

2] Brief facts of the Application are as under :-

It is averred by Applicant that he is Manager of V.R.C.Logistic Pvt.Ltd. Police has seized 361 shirt pieces worth Rs.72,000/- in crime No.192/2017. Company is owner of seized shirt pieces. Property is lying in police station. If these shirts are not returned, they are likely to get damaged and in turn, company will suffer irreparable loss. Manager had filed Criminal M.A.No.216/2017 for interim custody of property before Judicial Magistrate First Class, Uran.

3] Investigation officer has filed his say to application. He has given no objection to return muddemal property with certain terms and conditions to applicant.

4] After hearing arguments of both parties, application is rejected on 03/01/2018. Feeling aggrieved by Order, Applicant has filed present Cri.Revn.Application mentioning grounds that lower Court did not consider contentions mentioned in application. It is prayed that application may be allowed, Order passed in Cri.M.A.No.216/2017 be set aside and seized 361 shirt pieces be given in his interim custody on Supurtanama.

5] Heard Learned Advocate for Applicant and A.P.P. for State. After hearing argument and considering documents placed on record, following points arose for my determination and I record my findings with reasons thereon as under :-

POINTS

FINDINGS

- | | |
|--|---------------------|
| 1] Whether there is sufficient ground for interfering in order passed in Cri.M.A. No.216/2017? | ...Yes. |
| 2] What order ? | As per final order. |

R E A S O N S

6] Applicant has filed copies of order passed in Cri.M.A.No.216/2017, Invoice Bill, Authority Letter of company V.R.C. Logistic Pvt.Ltd., F.I.R. and Election card.

7] On perusal proceeding and document placed on record, it appears that Ashmeet Singh Sethi is Manager of V.R.C.Logistic Pvt.Ltd. Police has seized 361 shirt pieces worth Rs.72,000/- in crime No.192/2017. Company is owner of seized shirt pieces. To that effect, he has filed invoice on record. Investigation officer has no objection to return muddemal property with certain terms and conditions to applicant. Shirt Pieces are lying in police station. If these shirt pieces are not returned, they are likely to get damaged and in turn, company will suffer irreparable loss.

8] As per aforesaid discussion, it appears that, Lower court has not properly considered contentions mentioned in application and due to that, I found sufficient ground for interfering in Order passed in Cri.M.A.No.216/2017. Hence, I record my finding on point No.1 in the affirmative.

POINT NO.2 :

9] In view of finding on point No.1 that Lower court has not properly considered contentions mentioned in application and due to that, I found sufficient ground for interfering in Order passed in Cri.M.A.No.216/2017. In the result, I proceed to pass following order.

O R D E R

- 1] Application is allowed.
- 2] An order passed in Cri.M.A. No.216/2017 is set aside.
- 3] Total 361 shirt pieces worth Rs.72,000/- be given in interim custody of Applicant **-Mr.Ashmeet Singh Sethi**, on Supurtnama of Rs.75,000/- with condition he shall produce those shirt pieces as and when ordered by Court.
- 4] Supurtnama be given in Lower Court.
- 5] Judicial Magistrate First Class, Uran be informed accordingly.

Alibag.
Dt.09/02/2018

(B.C. Kamble)
Ad hoc Addl.District Judge-1,
Raigad - Alibag.