

ORDER PASSED BELOW EXH. 1 IN CRI.M.A. NO. 01/2018

This is an application vide section 457 of Criminal Procedure Code for return of muddemal. The Investigating officer has filed say at Exh.6. The Ld. APP has filed say below Exh. 1.

2. Perused application as well as say filed by Investigating Officer and Ld. APP for State. It is the contention of the applicant that the applicant is the owner of the Mobile handset of Samsung Galaxy Co. having model No. J-5 Prime and Bullet motorcycle of Royal Co. having No. MH-13 CR 6034. It is seized by the Investigating Officer in the crime bearing No. 280/2017. It is required to the applicant for daily use. The applicant required the muddemal for his daily work. Hence, prayed to return the same as he will not alter the nature of the muddemal as well as will abide the conditions imposed by the court. On the contrary, according to the Investigating Officer, the muddemal can be used to commit similar offence. The Ld. APP has also raised same objection. He prayed to reject the application.

3. Perusal of record shows that, the applicant has filed the verified copy of the certificate of registration and verified copy of receipt of mobile handset standing in the name of applicant. Therefore he is the fit person to entitle the custody of the muddemal. In view of the observations by the Hon'ble Apex Court in the case of **Sundarbhai Vs. State of Gujra** reported in AIR 2003 S.C. 368, the muddemal is required to be returned. Accordingly I pass following order. :-

ORDER

- 1] Application is allowed.
- 2] Investigating officer in Crime No.280/2017 is directed to return the Mobile handset of Samsung Galaxy Co. having model No. J-5 Prime and Bullet motorcycle of Royal Co. having No. MH-13 CR 6034 as mentioned above to the applicant namely Prakash Rajaram Pawar on execution of Indemnity bond of Rs.2,00,000/-.
- 3] The investigating Officer is further directed to take the photographs of the muddemal and to prepare details panchanama before return the muddemal to the applicant.
- 4] The applicant shall not make any changes in muddemal and shall not alienate the same till the end of trial.
- 5] The applicant shall not use the muddemal to commit similar offence.

Dt.08th January 2018.

(P. V. Kulkarni)
Judicial Magistrate F.C., Mohol.

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer	:	Sou. Vallal L.M.
Court	:	Jt. JMFC., Mohol.
Date	:	08th January 2018.
Judgment/order signed		
by the Presiding Officer on	:	08th January 2018.
Judgment/Order uploaded on:		08th January 2018.
