

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 2371 OF 2014

Ramesh Babulal Panjri & Anr.

... Petitioners.
(Orig. Accused nos. 6 & 5)

V/s.

The State of Maharashtra

... Respondent.

Mr. Siddharth L. Kamble, Advocate for the Petitioners.

Mr. V.B.Konde-Deshmukh, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 27 JANUARY, 2015

P.C. :

1 Heard learned Advocate appearing for the Petitioners and learned additional public prosecutor for the State.

2 This writ petition is filed against the order of the trial Judge, refusing to return the cell phones of the Petitioners who are facing trial for the offences punishable under sections 364 r/w 34 of the IPC and 365, 394 r/w.34 of the IPC. The learned additional public prosecutor, after taking instructions from the investigating officer, has submitted that the hand sets/ cell phones are not required by the police and that they shall be preserved by the Petitioners till conclusion of the trial.

3 Hence, I pass the following order :

i. The cell phones seized from the possession of Petitioner Nos. 1 and 2 (original accused nos. 6 and 5 respectively in Sessions Case No.113/2012) in connection with CR No. 194 of 2010 registered at Satara Taluka Police Station, Satara, be returned to the Petitioners on the following conditions :

(a) That the Petitioners will not part with the possession of the cell phones without prior permission of the trial court.

(b) Petitioners shall not change the description of the cell phones.

(c) Petitioners shall not destroy the cell phones.

(d) Petitioners shall produce the hand sets/ cell phones before the trial court as and when required.

The cell phones be returned to the Petitioners on execution of the bond of Rs. 15,000/- each on the above stated conditions.

4 Writ Petition stands allowed in the aforesaid terms.

(JUDGE)