

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Crl.P.No.2803 of 2018

ORDER:

This Criminal Petition is filed by petitioner/A2 under Section 451 r/w 482 Cr.P.C. aggrieved by the order dated 27.01.2018 in Crl.M.P.No.566 of 2018 in Cr.No.272 of 2016 passed by learned XII Additional Chief Metropolitan Magistrate, Hyderabad allowing in part the petition filed by the petitioner under Section 451 r/w 457 Cr.P.C. ordering return of only the PAN Card bearing No.ADPPT1513R while refusing to return cell phone along with SIM No.9949291776.

- 2) Heard both sides.
- 3) The submission of learned counsel for petitioner is that the trial Court refused to return the cell phone on an erroneous ground that if cell phone is returned to accused, there is a possibility of deleting the data therein. He would submit that the petitioner/accused has no objection if the Court or the prosecution wants to download the data available therein into a computer and preserve for future use. He thus requested the Court to allow the petition.
- 4) Learned Additional Public Prosecutor, on instructions, submitted that petition may be allowed while permitting the prosecution to download the data from SIM No.9949291776 of cell phone.

5) In the result, this petition is allowed and the order dated 27.01.2018 in CrI.M.P.No.566 of 2018 in Cr.No.272 of 2016 insofar as refusing to return cell phone and SIM card bearing No.9949291776 is set aside and the trial Court is directed to return the cell phone along with SIM card bearing No.9949291776 to the petitioner/A2 after downloading the data available in the cell phone and SIM card and preserving in a CD and keeping in a sealed cover in the custody of the Court for future use in case necessary.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Date: 30.04.2018
Murthy

U.DURGA PRASAD RAO, J

