

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P. No.9305 OF 2018

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. to quash order dated 29.06.2018 in Crl.R.P.No.23 of 2018 passed by the Principle Sessions Judge, Nalgonda, whereby the order dated 06.05.2015 passed in Crl.,M.P.No.424 of 2018 in Crime No.17 of 2018 passed by the Special Judicial Magistrate of First Class (for Prohibition and Excise Offences), Nalgonda, was affirmed and dismissed the revision.

The petitioner filed petition under Section 457 Cr.P.C. for grant of interim custody of laptop and 10 cell phones on the ground that he is the owner of the property and he required to discharge his duties properly and the said 10 cell phones are manufactured by different companies. But the Magistrate declined to order the interim custody of 10 cell phones while ordering interim custody of laptop and allowed the petition in part. Aggrieved by the said order, the petitioner preferred Crl.R.P. before the Sessions Court, which was ended in dismissal affirming the order passed by the Magistrate.

The present petition is filed on the ground that retaining 10 cell phones of the petitioner by the Magistrate during pendency of the investigation is a serious illegality and if those cell phones are not returned and kept unuse, they will become useless within a short span of time and requested for interim custody of 10 cell phones.

It is the contention of the petitioner that he is working as journalist and maintaining ten cell phones and one laptop, but he allegedly committed the offence punishable under Section 506 IPC and Section 7(1) of the Criminal Law Amendment Act, 1932. The observation of the Magistrate is

that by using 10 cell phones, he committed the offence and declined to grant interim custody of those cell phones.

Counsel for the petitioner requested the Court that the data can be transferred to any other equipment and return the said cell phones. But it is not possible for the Court to transfer the data to any other equipment as cell phones are 10 in number and such request cannot be accepted. If the cell phones are returned, it is difficult to prove the case of the prosecution. However, in the event of filing charge sheet after completion of investigation against the petitioner, the Court below is directed to dispose of C.C, if any registered against the petitioner as expeditiously as possible so as to avoid damage to the cell phones lying in the Court connected to the above crime.

With the above direction, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

31.08.2018
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M.SATYANARAYANA MURTHY,J

