

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 195 of 2019**

- Vipin Tiwari S/o Shri Motilal Tiwari Aged About 28 Years R/o Village Sonhat, Police Station And Tahsil Sonhat, District Korea Chhattisgarh

---- Petitioner**Versus**

- State of Chhattisgarh Through The Station House Officer Police Station Sonhat District Korea Chhattisgarh

---- Respondent

For Petitioner	:	Shri Kaushal Yadav, Advocate
For Respondent/State	:	Shri V.A. Goverdhan, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22/01/2019**

1. Heard.
2. The present petition has been filed against the dismissal of an application whereby the petitioner sought the possession of the mobile seized in criminal case No.53/2018, for which the prosecution is pending.
3. Learned counsel for the petitioner submits that without any reason the mobile which has been seized, is refused to be given and no purpose would be served if the mobile is kept with the police, therefore, the said mobile may be returned.
4. Perusal of the refusal order to handover the mobile back dated 05th of June, 2018 would show that the alleged mobile is part of evidence of the crime. The

order records that said mobile was used to demand the money of Rs.33000/- one of the ingredient of the complaint, therefore, would be a necessary/important evidence during the trial. The reason assigned in the order appears to be reasonable and return of the original mobile if is made, it will diminish/destroy the evidence itself. Considering the same, I am not inclined to interfere with the order impugned.

5. The petition has no merit. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu