

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2056 of 2018**

Smt. Rani @ Mansi Vishwakarma W/o Shri Manish Vishwakarma
Aged About 28 Years R/o Baijnath Para Durg, District - Durg,
Chhattisgarh. **--- Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Outpost -
Karelibadi, Police Station - Magarlod, District - Dhamtari,
Chhattisgarh. **--- Respondent**

For the applicant : Mr. Vivek Tripathi, Advocate.
For the State : Mr. Akash Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board**07.03.2019**

1. The present petition is against the order dated 10.08.2018 passed by the learned Additional Sessions Judge, Camp Court Kurud, Distt. Dhamtari in Criminal Revision No.57/2018 whereby the revisional Court has affirmed the order dated 24.07.2018 passed by the JMFC, Kurud in criminal Case No.627/2018 rejecting the prayer for handing over the custody of mobiles to the petitioner.
2. Learned counsel for the petitioner would submit that the mobile which has been seized will lose its efficacy if it is kept in the custody of the police, therefore, both the courts below ought to have considered and directed to return the same to the petitioner
3. a perusal of the order would show that in Crime No. 77/2018 registered u/s 507 read with section 34 of IPC, a

Samsung Mobile golden colour bearing I.M.E.I. No. 358674084414416 having SIM No.8839378767 has been seized. According to the prosecution, accused Manish Vishwakarma, Rajendra Vishwakarma and applicant Rani @ Mansi Vishwakarma have used the said mobile to make calls to complaint Munna Sahu on his mobile No. 7697565496 and extended threat. Section 507 pertains to criminal intimidation by an anonymous communication. If the calls were made from such mobiles, it would be used as a weapon of evidence for the crime. Therefore, if the mobile is returned the evidence itself would be destroyed. Consequently the seized mobile which is a subject of evidence in the case cannot be handed over to the custody of petitioners, at this stage.

4. In the circumstances, both the orders of the court below cannot be faulted. Therefore I do not find any merit in the petition warranting interference by this Court. Accordingly, it is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**