

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1189 OF 2020

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/Accused No.1 to quash the order, dated 29.01.2020, in CrI.M.P.No.67 of 2020 in Crime No.25 of 2020, on the file of the learned V Additional Metropolitan Magistrate-cum-V Additional Junior Civil Judge, Cyberabad, at L.B. Nagar.

2. Heard learned counsel for the petitioner/Accused No.1 and the learned Additional Public Prosecutor appearing for 1st respondent-State. Perused the record.

3. The case of the petitioner is that the petitioner along with other persons, who are all arrayed as accused in the above said crime, were celebrating birthday party with their friends and that on a false complaint by the *de facto* complainant, who is having inimical terms with the petitioner, the above said crime is registered and that the cell phone which is seized by the police is important to the petitioner as the same is circulated number in his business circles and also friends and further all his professional contacts in the work place where he is working as a field lancer of engineering and that the cell phone is very much necessary as in the absence of it, the petitioner is unable to pursue his

business and lost all his contacts and further notes of cell phone where all necessary information regarding his business is being feeded, which he requires to continue his daily business.

4. Learned counsel for the petitioner submits that the petitioner is only requesting for interim custody of the cell phone, which belongs to him and the said property has nothing to do with the alleged offence and that the trial Court has wrongly come to a conclusion that the cell phone is required during investigation, but the same is not connected with the above said crime and if the cell phone is kept idle for long days without being operated, it will die a natural death and will cause huge loss to the petitioner. He further submits that the petitioner is ready and willing to furnish security for release of the cell phone.

5. Learned Government Pleader also submitted that interim custody of the above said cell phone can be granted to the petitioner by imposing certain conditions.

6. Considering the facts and circumstances of the case and in the light of the submissions made by both the learned counsel, the Criminal Petition is disposed of directing the concerned Magistrate to release the cell phone to the

petitioner/Accused No.1 on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only).

Pending Miscellaneous Petitions, if any, shall stand closed.

JUSTICE G SRI DEVI

Date: 19th February, 2020

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