

**HONOURABLE JUSTICE G. SRI DEVI**

**CRIMINAL PETITION NO.8250 OF 2019**

**ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure against the order dated 21.11.2019 passed in CrI.MP.No.724 of 2019 on the file of the Special sessions Judge for Trial of Cases under SCs & STs (POA) Act-cum-VII Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar, in Crime No.195 of 2019 of P.S. Madhapur (Guttala), Cyberabad.

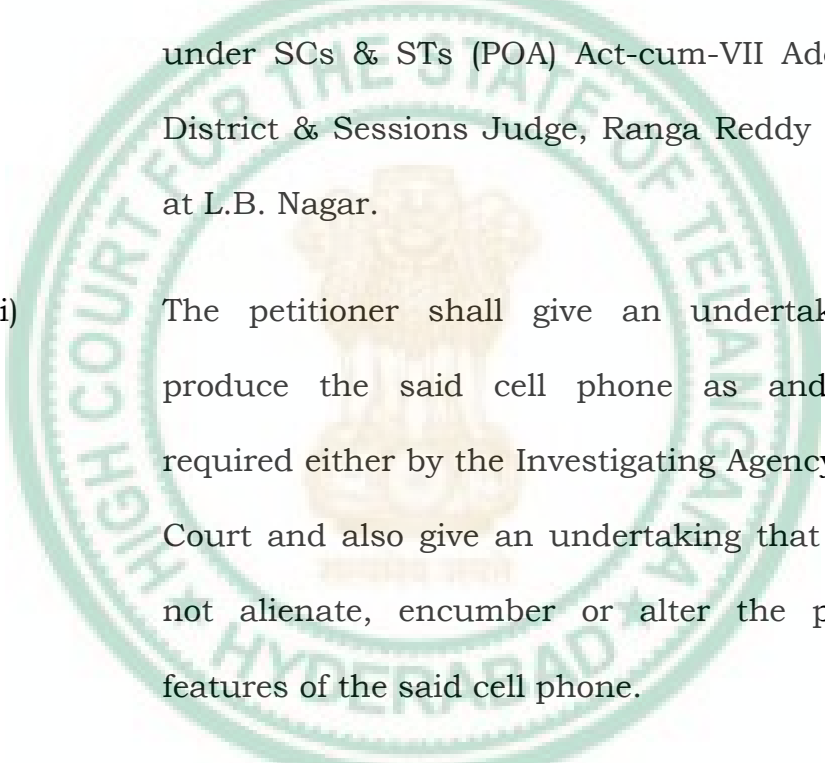
CrI.MP.No.724 of 2019 was filed before the Court below for return of cell phone bearing model No.Samsung S8 plus to the petitioner/owner. The operative portion of the order dated 21.11.2019 dismissing CrI.MP.No.724 of 2019 reads as under:

“Perused the records. It shows that the petitioner is owner of the Cell phone. The said cell phone was seized from the petitioner/accused on 13.03.2019 from the possession of the petitioner and as per the panchanama through this phone only the petitioner booked OYO room and after that he destroyed the sim card No.7989613603 and thereafter he put the sim card with number 8555908526 of his friend. Since it is a case property and if it is returned to the petitioner there is possibility of damaging any data in that phone and therefore it is not fit case to return the cell phone to the petitioner/owner.

In the result, the petition is dismissed.”

The said petition was dismissed as the cell phone is a case property and if returned to the petitioner, there is possibility of damaging the data in the cell phone.

Having regard to the facts and circumstances of the case, the said cell phone bearing model No.Samsung S8 plus shall be returned to the petitioner/owner, after due verification and after recording the evidence of the material witnesses, subject to the following conditions.

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- (i) The petitioner shall execute a personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for a like sum to the satisfaction of the Special sessions Judge for Trial of Cases under SCs & STs (POA) Act-cum-VII Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar.
- (ii) The petitioner shall give an undertaking to produce the said cell phone as and when required either by the Investigating Agency or the Court and also give an undertaking that he will not alienate, encumber or alter the physical features of the said cell phone.

With the above direction, the Criminal Petition is disposed of.

Miscellaneous applications, if any, pending shall stand closed.

**(G. SRI DEVI, J)**

24<sup>th</sup> February 2020  
RRB