

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION NO: 4718 OF 2021

Between:

Varthya Ravi Naik @ Ravi Lalu Naik, S/o. Lalu Naik

**...PETITIONER/
OWNER OF THE SEIZED PROPERTY/
DEFACTO COMPLAINANT**

AND

The State of Telangana, through S.H.O. Shankerpally, Ranga Reddy District.,
Represented by Public Prosecutor, High Court at Hyderabad

...RESPONDENT/RESPONDENT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the order passed In Crl.M.P. No. 15 of 2021 in Crime No. 488 of 2020 , dt. 25/01/2021 on the file of the Junior Civil Judge -cum- Judicial First Magistrate at Chevalla, Rangareddy District by allowing the quash Petition

I.A. NO: 1 OF 2021

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to pass an orders to granting interim custody of the said Samsung Galaxy S20 Ultra Mobile phone in favour of Petitioner seized in connection with Crime No. 488 of 2020 deposited in the Court with CPR No. 01 of 2021 on the file of the Hon'ble Junior Civil Judge -cum- Judicial First Magistrate at Chevalla, Ranga Reddy District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri PALLE SRIHARINATH, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.4718 OF 2021

ORDER:

This Criminal Petition is filed under Section - 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') to quash the docket order dated 25.01.2021 passed in CrI.M.P.No.15 of 2021 in Cr.No.488 of 2020 by the Junior Civil Judge-cum-Judicial Magistrate of First Class, at Chevella, Ranga Reddy district.

2. Heard Sri Palle Sriharinath, learned Counsel for the petitioner, and learned Asst.Public Prosecutor for State and perused the record.

3. A perusal of the record would reveal that the petitioner herein is the defacto-complainant in the above said crime. The said crime was registered against the accused for the offences under sections 307, 395, 504 and 506 read with 120-B of the IPC. The subject mobile phone i.e. 'Samsung Galaxy S20 Ultra' was seized by the Police in the above said crime. According to learned Public Prosecutor, the Police have deposited the said mobile phone in the said crime before the learned Magistrate.

4. The petitioner herein, being the owner of the said mobile phone, filed an application under Section 457 of the Cr.P.C. vide CrI.M.P.No.15 of 2021 in Cr.No.488 of 2021 before the Court below seeking interim custody of the said mobile phone. The Court below vide order dated, 25.01.2021 dismissed the said application on the ground that investigation is pending and it is not clear whether the petitioner had recorded anything about the alleged

incident in his mobile phone, or whether A.1 had used it for any other purpose while it was in his possession.

5. In view of the said finding in the impugned order, this Court directed the learned Public Prosecutor to get specific instructions with regard to stage of investigation and also the factum of recording anything either by the petitioner or by A.1 about the alleged incident. Today, on instructions, learned Public Prosecutor would submit that the Investigating Officer has recorded statements of 5 witnesses and as per the gist of the said statements, nothing was recorded either by the petitioner or by the A.1 in the said mobile phone about the alleged incident.

6. In view of the same, according to this Court, the petitioner is entitled for the subject mobile phone towards interim custody.

7. Therefore, the Criminal Petition is allowed quashing the docket order dated 25.01.2021 passed in CrI.M.P.No.15 of 2021 in Cr.No.488 of 2020 by the Junior Civil Judge-cum-Judicial Magistrate of First Class, at Chevella, Ranga Reddy district. The learned Magistrate is directed to return the said mobile phone to the petitioner herein/defacto-complainant in Cr.No.488 of 2020, towards interim custody on imposition of certain conditions to its satisfaction.

As a sequel, miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

//TRUE COPY//

Sd/- M. MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

- To,
1. The Junior Civil Judge – cum – Judicial First Class Magistrate at Chevella, Ranga Reddy District.
 2. The Station House Officer, Shankerpally Police Station, Ranga Reddy District.
 3. Two CC to the Public Prosecutor, High court for the State of Telangana at Hyderabad.
 4. One CC to Sri P. Sri Harinath, Advocate (OPUC)
 5. Two CD Copies

MBC

HIGH COURT

DATED: 13/07/2021



ORDER

CRLP.No.4718 of 2021

ALLOWING THE CRIMINAL PETITION

MRC
15-7-2021 (7)