



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Revision [REVN] No.51 of 2024

Ahish s/o Suresh Nandanwar

vs.

State of Maharashtra, through Station Officer, P.S. Pardi, Nagpur

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

Ms. Sonali Khobragade, Advocate for the Applicant.

Mr. Aditya Gohokar, A.P.P. for the Non-Applicant.

CORAM : M.W. CHANDWANI, J.

DATE : 10th APRIL, 2024.

Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

02] By the impugned order, the learned Special Judge released the seized vehicle i.e. Honda Activa Scooter on Supratnama, however, rejected the application of the applicant relating to issuance of direction to the Police for releasing the seized mobile phone. The reason given by the Special Court is that the mobile phone was used by the applicant, is an important piece of evidence containing the electronic record.

03] During hearing, the learned A.P.P. submits that nothing incriminating was found in the said mobile phone. The allegations of transfer of money through PhonePe App, is between the other co-accused. No purpose will be served by retaining the said mobile phone with the Police. As held by the Apex Court in its decision in the case of **Sunderbhai Ambalal Desai vs. State of Gujarat – AIR OnLine 2002 SC 534** that it is of no use to keep the articles in police custody for years till the trial is over, a case is made out for direction to the Police to handover the mobile phone on executing Supratnama Bond. Hence,

the following order :

ORDER

- I. The impugned order, dated 31/01/2024 passed below Exh.24 by the learned Special Judge, Nagpur in Special Case No.659 of 2023 refusing to direct the Police to handover the mobile phone, is set aside.
- II. The mobile handset of IPONE Company having Model No.14 Plus and IMEI No. 356601710419925, seized from the accused in Crime No.522 of 2023 registered with Police Station Pardi, Nagpur, shall be handed over to the applicant on his executing Supratnama Bond of Rs.50,000/- (Rupees Fifty Thousand Only).
- III. Before handing over the said mobile phone, the Investigating Officer shall prepare a detailed panchnama regarding description of the mobile phone and place the photographs of the same along with the panchnama.
- IV. The revision application is allowed and disposed of in the aforesaid term.

JUDGE