



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

CRIMINAL APPLICATION (APL) NO.92 OF 2024

Anil S/o Devrao Metkar .Vs. State of Maharashtra, through PS Badnera, Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri J.B. Kasat, Advocate for applicant.

Shri M.J. Khan, A.P.P. for non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 18/02/2025

1. Heard.
2. The applicant's application under Section 457 of the Code of Criminal Procedure (for short "Cr.P.C.") for releasing seized mobile phone came to be rejected by the learned Judicial Magistrate First Class, Court No.13, Amravati vide order dated 27.07.2023, which was the subject matter of challenge before the learned Additional Sessions Judge-2, Amravati in Criminal Revision Application No.107 of 2023. The learned Revisional Court maintained the order of Judicial Magistrate First Class and rejected the revision petition vide order dated 18.10.2023. Thus, rejection of application of the applicant for releasing of his mobile phone is the subject matter of challenge in the present application.
3. The learned A.P.P. at the outset, on instructions from the concerned Investigating Officer, made a statement

that the Investigating Officer does not want the custody of the mobile phone for further investigation.

4. In that view of the matter, as no purpose would be served in not handing over the mobile phone to the applicant, I am of the opinion that, the application of the applicant needs to be allowed.

5. Accordingly, the order dated 27.07.2023 passed by the learned Judicial Magistrate First Class, Court No.13, Amravati and the order dated 18.10.2023 passed by the learned Additional Sessions Judge-2, Amravati in Criminal Revision Application No.107 of 2023, are hereby quashed and set aside and the application moved by the petitioner under Section 457 of the Cr.P.C. for releasing mobile handset namely Samsung F-936-Z Fold 4, on Supratnama is hereby **allowed** in terms of prayer clause of the application moved before the Judicial Magistrate First Class.

JUDGE