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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2903/2022 & CRL.M.A. 12269/2022**
MOHAMMED ZUBAIRPetitioner

Through: Mr. Soutik Banerjee and Ms. Devika
Tulsiani, Advocates.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Naresh Kumar Chahar, APP for
the State.
Ms. Pratima N. Lakra, CGSC with
Mr. Chandan Prajapati, and Ms.
Kashish G. Baweja, Advocates.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
13.01.2025

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1. On 31.10.2022, the learned counsel appearing for the petitioner had submitted that the arguing counsel was not available on account of her ill health.
2. On 09.10.2023, once again, the petitioner had moved an adjournment slip. Today, once again, the learned counsel for the petitioner has sought adjournment.
3. A perusal of the petition reveals that the following prayers have been sought by the petitioner : -

“A. Quash and set aside the Order dt. 28.06.2022 passed by the Ld. Chief Metropolitan Magistrate in FIR 172/2022 P.S. Special Cell granting four days’ police custody of the Petitioner to the Respondent, including all consequential reliefs granted to the Respondent vide Order dt. 28.06.2022; and



B. Direct that any device or document seized by the Respondent, which is beyond the allegation in FIR 172/2022 P.S. Special Cell, be forthwith restored to the Petitioner's family"

4. Insofar as prayer (a) is concerned, it is stated by the learned APP for the State that the said prayer has become infructuous. The learned counsel for the petitioner does not dispute the same.

5. So far as prayer (b) is concerned, it is not specified as to which documents or devices the petitioner is referring to, which have been seized by the respondent, that are beyond the allegations in FIR 172/2022 P.S. Special Cell. During the course of arguments, learned counsel for the petitioner states that he is referring to the mobile phone of the petitioner herein in prayer (b).

6. In this regard, this Court is of the opinion that the petitioner may move an appropriate application before the concerned Magistrate, who will deal with the said issue, in accordance with law.

7. In above terms, the petition is disposed of.

8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 13, 2025/mk

Click here to check corrigendum, if any