



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

CRIMINAL REVISION APPLICATION NO. 158 OF 2025

(Sunita Ramjiyavan Mishra

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station
Nandanvan, Nagpur)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. K.S. Ghatate, Advocate for the Applicant.
Mr. A.M. Kadukar, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 16th FEBRUARY, 2026

1. By this Revision the Applicant has challenged the order of Special Judge rejecting the Application for Supratnama of the present Applicant dated 21.08.2025.

2. The mobile phone owned by the present Applicant was seized from the accused No.1 in connection with Crime No. 211/2025 registered under the offence punishable under Sections 8(c), 22(b) and 29 of N.D.P.S. Act. As per the contention of the Applicant that, the mobile handset belongs to him though it was found in the possession of the accused No.1/Ishan Mishra. The sim card which was used in the said mobile phone is of said Ishan Mishra, however the handset is owned by the present Applicant and he is not named as an accused in the said crime. During investigation of the said crime, the said handset was seized and the present Applicant

who is the owner of the said handset filed the application for returning the same to him. The said application was strongly opposed by the State and after considering the nature of the application, the learned Special Judge has rejected the Application. Hence this Revision.

3. Heard learned Counsel for the Applicant, who submitted that the present Applicant who is the owner of the said mobile phone is not arraigned as an accused in the said crime bearing No. 211/2025. Merely because his mobile handset was found in the possession of the accused No.1/Ishan Mishra, it was seized by the Investigating Agency and by removing the said sim card the handset was returned to the present Applicant. In support of his contention he placed reliance on the decision of *Orissa High Court in the case Rakesh Kumar Panda Vs. State of Odisha, CRLREV No.431/2021*, wherein in the similar situation the mobile handset was handed over to the owner of the same.

4. Learned APP strongly opposed the said contention and submitted that, the sim card which was used in the said mobile handset is of accused Ishan Mishra. The identification of the said handset as well as the sim card is required to be done during the trial, and therefore, the Revision Application deserves to be rejected.

5. There is no dispute with regard to the legal position that, in the absence of any provisions under the N.D.P.S. Act for directing interim release of the property, the provisions under Section 457 of Cr.P.C. can be invoked by the

Court. In the present case, the mobile phone was seized from the accused Ishan Mishra who is the accused No.1. The sim card which was used in the said handset was in the name of the said accused Ishan Mishra. The CDR reports are already obtained by the Investigating Agency as to the part of investigation to substantiate the allegations that there was communication between the accused and other co-accused. As far as the present Applicant is concerned, admittedly he is not arraigned as an accused in the said crime and the handset was seized from the possession of accused No.1/Ishan Mishra alongwith the contraband articles.

6. In view of all reasons above, the prayer of the Applicant deserves to be allowed as the CDR report is already obtained and the sim card is in the name of accused No.1/Ishan Mishra. As far as the mobile handset is concerned, it would not be required for the purpose of trial, however, the conditions can be imposed on the present Applicant to produce the same as and when required when Court directs for, and therefore, the Revision Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. The Revision Application is **allowed**.
- ii. The order passed by the Special Judge rejecting the Application for Supratnama dated 21.08.2025, is hereby quashed and set aside.

- iii. The handset by removing the sim card which is in the name of the accused No.1/Ishan Mishra be handed over to the present Applicant on a Bond of Rs. 25,000/- (Rs. Twenty Five Thousand Only).
 - iv. The Applicant is further directed to present the said mobile phone before the Trial Court as and when directed for and he shall not make any changes or transfer the said mobile phone to anybody without permission of the Court.
7. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)