



IN THE COURT OF HON'BLE ADDITIONAL DISTRICT & SESSIONS
JUDGE AHMEDABAD (RURAL) AT DHOLKA, AHMEDABAD.

Criminal Miscellaneous Application No.78 of 2026
(POCSO Case No.12/2025)

Exh. _____

Applicant : SHENVA VISHALBHAI DINESHBHAI
Age:23 years, Occup:Labour work,
R/o Dhadal, Dhathal Kheda.

V e r s u s

Opponent : STATE OF GUJARAT

Sub: An application to get back the Muddamal.

Appearances:-

Learned Advocate Mr. T.R. Joshi for the applicant.

Learned P. P. Mr. J.C. Patel for the Opponent-State.

:- O R D E R :-

1. The applicant has filed the present application under the provision of Section 497 of B.N.S.S. for getting back his Muddamal article i.e. one **Mobile phone of Sparkle Black Oppo company model Name DC EOL** bearing IMEI No.868144074523595 (hereinafter referred to as 'Muddamal mobile phone') which has been seized in connection with the FIR being **C. R. No.11192020250461/2025** registered with **Dholka Town** Police Station for the offences punishable U/s **137(2), 87, 75(2) of the Bharatiya Nyay Sanhita, 2023** and U/s **12 of the POCSO Act, 2012.**

2. Heard, the Ld. Advocate for the applicant and Ld. Public Prosecutor for the State.
3. The Ld. Advocate for the applicant has vehemently argued that the applicant is the real owner of the muddamal mobile phone. It is further argued that in the present case, the Investigation is concluded and Charge-Sheet has been filed and thereafter, the case was registered as POCSO Case No.12/2025 and after conducting the trial, this Hon'ble Court has convicted the accused in the offence vide order dated 29.11.2025. It is further submitted that applicant was not the accused in the said case and the muddamal mobile phone is the daily need of the applicant for communication in his day to day activities and without his phone, he is causing inconvenience in his daily work. It is further submitted that the applicant was not the accused in the said case and the case has already been concluded by this Hon'ble Court, therefore, there is no requirement of the muddamal mobile phone to keep in the police custody. It is further argued that if the Muddamal mobile phone is an electronic gadget and if it may be kept for long time at the Police Station, it is likely to cause damage to its battery, colour, parts etc. and therefore, prayed to allow the present application and hand over the muddamal article.
4. *Per-contra*, the Ld. P.P. Mr. J.C. Patel has appeared before the Court and also submitted the report of the I.O. and vehemently argued that in the present case, the accused has committed very serious crime and present muddamal mobile phone was used by the accused as communication facility in committing of the said serious offence and this Hon'ble Court has convicted the

accused charges levelled against him by considering the seriousness of offence and therefore, if the muddamal mobile phone may be given to the applicant, there is every possibility that accused may again use the said muddamal phone in cognizable offence. It is further submitted that the applicant/the owner of the muddamal mobile phone has given his mobile phone to use in the serious crime therefore, if the muddamal mobile phone may be given to the applicant, there is every possibility that applicant may sell the muddamal mobile phone or it is possible to again use the said muddamal phone in cognizable offence and therefore, the present application is required to be rejected.

5. I have gone through the application and documentary evidences produced on record and also considered the arguments advanced by Ld. Advocates of both the sides.
6. Considering the facts & circumstances of the subject matter, it appears that the muddamal mobile phone has been seized by the IO in connection with the above mentioned offences. Moreover, it also appears that in the said offence, charge-sheet has been filed and the case was registered as POCSO Case No.12/2025. Further, the trial of the said POCSO case has been concluded and the accused has been convicted by this Court vide judgment dated 29.11.2025 passed in POCSO Case No.12/2025 and this fact is required to be considered. Further, the present applicant/owner of the muddamal mobile phone was not the accused in said offence and this fact is also required to be considered. Further, it appears from the documents adduced on record i.e. receipt of muddamal mobile phone, the present

applicant is the sole owner of the said mobile phone. Further, the muddamal is an electronic appliance and if the same is kept for long time at the Police Station, it is likely to cause damage to its body part, battery, colour etc. Considering the facts & circumstances of the present matter, the case has already been disposed off. Therefore, the Muddamal article seized in connection with the above offences is required to be handed over to the applicant on proper identification. Hence, the following order is passed in the interest of justice.

-: O R D E R :-

- The **Criminal Misc. Application No.78 of 2026** is hereby **allowed**.
- The Muddamal Article i.e. one **Mobile phone of Sparkle Black Oppo company model Name DC EOL bearing IMEI No.868144074523595** seized in connection with the FIR being **C. R. No.11192020250461/2025** registered with **Dholka Town** Police Station for the offences punishable U/s **137(2), 87, 75(2) of the Bharatiya Nyay Sanhita, 2023** and **U/s 12 of the POCSO Act, 2012**, if found not involved in any other offence, is hereby ordered to be released and hand over to the applicant-**SHENVA VISHALBHAI DINESHBHAI** on proper verification and identification.
- Yadi be sent to the concerned Police Station.
Signed & Pronounced in the open Court on this 23 day of March, 2026.

Date :23/03/2026.
Place:Ahmedabad.
P.D. Mishra

[Naresh Girikant Dave]
Additional District & Sessions Judge,
Ahmedabad (Rural) at Dholka.
(UIC No.GJ00467.)