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Decided on	23	03	2026
Duration	YY	MM	DD

IN THE COURT OF 8th ADDITIONAL SESSIONS JUDGE,
KACHCHH AT BHUJ
Criminal Revision Application No. 30 of 2026.

Ex.

Revisionist/ Ori. Accused :-
SHAH BAKUL KRITI,
 Aged: 44, Occu. Business,
 R/o. Lav Kush Apartment,
 Hospital Road, Bhuj-Kachchh

VERSUS

Opponents :-
THE STATE,
Through : Public Prosecutor,
Bhuj-Kachchh

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Revision U/s. 438 of BNSS.

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APPEARANCE:

Ld. Advocate for the Revisionist : Mr. M.N.Bokhani
 Ld. A.P.P. for the opponent : Mr. P.V.Vania

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:: J U D G M E N T ::

(1) The present Revisionist/ Original Accused (*hereinafter referred to as "Applicant"*) has questioned the legality and validity of impugned order dated 20.02.2026 passed by Ld. 2nd Additional Chief Judicial Magistrate, Bhuj -Kachchh in Cr.M.A. no. 324/2026 whereby Ld. Trial Court has rejected the application for releasing/returning the Muddamal Leptop and Mobile phone.

(2) After registration of this revision, notices were issued to the opponents. Ld. A.P.P. Mr. P.V.Vania appeared on behalf of the opponent and have contested this revision.

(4) Heard, Ld. Advocates for the rival parties and perused impugned order passed by Ld. Trial Court. This Court has not called for the Record and Proceedings and Ld. Adv. for the parties were directed to provided copies of the relevant documents and they have produced such copies.

(5) To determine the present criminal revision application, the following issues have been framed :-

- (a) Whether the Ld. 2nd Additional Chief Judicial Magistrate, Bhuj has committed any error of law in passing the impugned order 20/02/2026 in Cr.M.A. No. 324/2026 ?
- (b) What order ?

(6) My findings as to the above issues :

- (a) In the Negative
- (b) As per final order.

:-: R E A S O N S :-:

ISSUE NO. 1 :-

(7) Ld. Advocate Mr. Bokhani, appearing for the revisionist, argued that the Ld. Trial Court erred in not considering the relevant law and facts. He submitted that, Railway Police has seized the Laptop and Mobile phone in connection with the offence U/s. 143 of Railway Act. It is submitted that, applicant/revisionist is the owner of the Muddamal which were seized by the Police. If, the said muddamal is not returned, it is likely to

damage the battery and other spare parts of Laptop and mobile phone. The applicant has produced the mobile and laptop bills to prove his ownership. It is therefore prayed to return/ release the mobile phone and laptop to applicant. In support of aforesaid averments, the applicant has produced mobile and laptop bills and Aadhar card.

(8) Per contra, Ld. A.P.P. Mr. P.V.Vania has argued that, Ld. Trial Court has passed the order rejecting the application for returning the muddamal is just and proper which does not warrant any interference by this Court. It is submitted that, Mobile phone and Laptop were sent to Cyber Cell, Mumbai for investigation and the investigation is yet to be completed and if, the said muddamal is handed over to applicant, it is likely to tamper with evidence. It is therefore prayed to reject the present application. The Ld. A.P.P. has produced opinion report at Exh. 6 along with seizure Panchanama.

(9) Having considered the arguments advanced by the rival parties and gone through the record as well as the impugned order, it transpires that, the Mobile phone and Laptop were seized by the Police U/s. 143 of Railway Act from the custody of applicant/revisionist and the said muddamal is sent to the Cyber Cell, Mumbai for investigation. Upon going through the panchanama and report submitted by the Investigation Agency, it transpires that, the muddamal were sent for investigation and the investigation of the same has been done. But in the considered opinion of this Court, Mobile and Laptop are primary evidence for the purpose of the investigation and if the same are returned to the accused evidence stored in the same can be wiped out. If,

the muddamal is handed over to applicant, it is likely to tamper with the evidence and also lost the data from it. In view of the forging reasons, it is not fit case to return the muddamal to the applicant. Though the Ld. Trial Court has rejected the application on the ground of pendency of FSL but after the FSL also, this Court does not deem it to handover the custody of the Muddamal to the accused on that ground that the same is containing valuable evidence and the order passed by Ld. Trial Court does not requires any interference.

(10) In view of the above discussion, no case is made out for interference. Issue No. 1 is answered in the **NEGATIVE**. Hence, the following order is passed in the interest of justice.

∴ ORDER ∴

- (1) The Present Application bearing Criminal Revision No. 30 of 2026 filed by Revisionist U/s. 438 of B.N.S.S., is hereby rejected.
- (2) The impugned order dated 20.02.2026 in Cr.M.A. No.324/2026 passed by Ld. Trial Court, Bhuj is hereby confirmed and upheld.
- (3) Yadi be sent to Ld. Trial Court along with present order.

Signed and Pronounced in this open court on this
23rd day of March, 2026.

Date : 23/03/2026

Place: Bhuj.

(Tushar N. Khandhadiya)
8th Additional Sessions Judge, Bhuj -
U.I.Code No.GJ00953

/Vaghela/