

**Order below Muddamal Application filed by the applicant  
namely Yug Kamlesh Chaudhari in connection with the  
offence registered with Vansda Police Station First  
C.R.No.Part-A, 11822003250764/2025.**

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1. Present application came to be moved by the applicant namely Yug Kamlesh Chaudhari u/s 497 of BNSS praying to grant interim custody of the muddamal article i.e. VIVO V23 Mobile having IMEI No.866741053558104 seized in connection with the offence registered with Vansda Police Station vide C.R.No. Part-A, 11822003250764/2025 in connection with the offence punishable u/s 406, 420 of Indian Penal Code and u/s 66(d) of I.T. Act, 2000. Heard Ld. Advocate appearing for the applicant and Ld.A.P.P. for the State, gone through the papers and also taken into consideration the papers submitted along with the charge-sheet.
  
2. On filing of application by applicant / accused, opinion of I.O was called for in which the investigating officer has raised objection against grant of this application that the said muddamal is an electronic evidence i.e. Mobile phone which was sent to FSL for getting Forensic Report. Thus requested this court to reject present application. I have perused the record of the case as well as consider the facts & circumstances of the case. herein the said case was filed by the complainant against accused u/s 406, 420 of Indian Penal Code and u/s 66(d) of I.T. Act,

2000. The ld. A.P.P has argued that the said muddamal article i.e Mobile phone is valuable piece of evidence because important information was saved in it and presently the said muddamal has been sent to FSL for the forensic investigation which is clearly mentioned in Opinion Report of Investigating Officer. Further Ld. A.P.P argued that if the said muddamal article would be given to the applicant who will destroyed the valuable information saved in it and trial of the said offence highly affected the prosecution case and strongly opposed to grant the said application.

3. This Court had heard the Ld. Advocate for the applicant and learned A.P.P for the state. At the outset, it is to be noted that the father of present applicant Kamleshbhai Jesingbhai Chaudhari is the accused of the said offence. Considering the documents submitted by applicant along with the muddamal application it's appears from the mobile bill that the said muddamal mobile seized by I.O. was purchased by the applicant. At this juncture, I have perused the record of the case, it's appear from the facts of the case that the said muddamal article is one of the valuable piece of evidence & important information concerned of the case has been saved in this muddamal article mobile. It is also to be noted that the said muddamal article had been sent to FSL for the forensic investigation & for expert opinion which is mention in Opinion of Investigating officer. Therefore, at this juncture, it is not

proper to pass any interim custody order regarding muddamal article & this application seems to be premature in nature and is liable for dismissal. Hence in the larger interest of justice, I hereby pronounce the following order.

**:- O R D E R :-**

- The present application is **rejected**.
- No order for the cost.

Signed and Pronounced in the Open Court on the 09<sup>th</sup> March, 2026.

**Dated.09/03/2026.**  
**Vansda.**

**sd/-**  
**(Rashmikant R.Baria)**  
**Principal Civil Judge &**  
**JMFC, Vansda, Dist.Navsari.**  
**Judge Code : GJ01609**