



**IN THE COURT OF 8th ADDITIONAL
SESSIONS JUDGE AHMEDABAD [RURAL] @ VIRAMGAM.**

Criminal Misc. Application No.276 of 2024

Applicant:-

Ravi S/o. Laxmanji Chhanaji Thakor
Age: 28 years, Occup. : Labour
R/o. : Khoda, Tal: Sanand,
Dist. Ahmedabad

V E R S U S

Opponent:-

The State Of Gujarat

APPEARANCE:

Ld. Advocate for the Applicant.	:	Mr. A. M. Solanki
Ld. A.P.P. for the opponent State.	:	Mr. H. R. Solanki

J U D G M E N T

1. The applicant has sought the interim custody of Mobile phone in question model – OPPO F-21 PRO 5G, IMEI No.866875067249639 involved in the offence registered at Viramgam Rural Police station vide Part-A, C.R. No.11192060240182/2024 for the offence punishable u/s.363, 366, 376(2)(j), 376(2)(n), 376(3) of IPC and Sec.5(j)(2), 5(L), 6 of POCSO Act.
2. The ld. Advocate for the applicant submitted that applicant is the owner of mobile phone OPPO F-21 and the same was seized by police in connection with offence punishable under Sec.363, 366, 376(2)(j),

376(2)(n), 376(3) of IPC and Sec.5(j)(2), 5(L), 6 of POCSO Act from the applicant/accused. That the said phone is lying in the police station. It is an electronic gadgets therefore, its condition is likely to deteriorate with every passing day. Therefore, he is entitled to get the same released on appropriate conditions. He further submitted that for doing his daily work, he needs his phone. Further, he is ready and willing to abide the conditions imposed by the court. Thus, he prayed to release mobile phone on appropriate condition.

3. The Ld. APP is appeared on behalf of state. He has objected the present application. He has submitted that the muddamal mobile phone is used for the serious offence. It is submitted that from the CDR data it is clear that the applicant/accused had called the victim. Thus, it is a material evidence. Further, the trial of the Case is pending. So, the muddamal Mobile phone is needed while examination of panch witnesses. It is an important evidence for the case. Thus, he prayed to reject the present application.

4. Having heard the Ld. Advocates for the respective parties. Considering the fact that said mobile phone contains material electronic evidence and in absence thereof if any dispute is raised as to correctness of contents of electronic evidence contained in the said mobile phone, it would be

impossible to reach any conclusion therefore, unless the applicant/accused gives up his right to dispute correctness of the electronic evidence contained in the said mobile phone, the interim custody thereof can not be granted to the applicant at his stage. Hence, following order is passed in the interest of justice.

::: O R D E R :::

- The present Application is hereby rejected.
- Yadi of this order be sent to the concerned police station.

Signed and pronounced in the open Court on 24th day of July, 2024.

Date : 24/07/2024
Place : Viramgam.

[A. M. Varma]
8th Additional Sessions Judge,
Ahmedabad [Rural] at Viramgam.
[UIC No. GJ00577]