

Misc CrI. 430/2026 STATE Vs. UNKNOWN (APPLICATION
FOR RELEASE OF MOBILE) 80003840/2026 (Saket)

09.02.2026

Matter taken up in physical court as well as through video conferencing in terms of order No. 2551/DHC/Gaz/G2/2022 dated 11.05.2022 of Hon'ble High Court of Delhi.

Present: Sh. Mukul Kumar, Ld. APP for State.

None for applicant.

This is an application for release of mobile phone make Lava Blaze on superdari.

Reply has been filed by the IO. As per reply of the IO, he has no objection if the mobile phone is released to the rightful owner.

It is submitted by Ld. APP for the State that the photographs of the mobile phone may be obtained from all the four angles clearly displaying the IMEI number of the phone. Furthermore, it is submitted that the CDR pertaining to the mobile phone may also be obtained by IO/ SHO so as to prove the presence of the accused at the spot.

Heard. Perused.

Instead of releasing the articles on superdari, I am of the considered view that the article has to be released as per directions of Hon'ble Supreme Court in case titled as ***Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638***. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as ***Manjit Singh Vs. State in CrI. M.C. No. 4485/2013 dated 10.09.2014*** wherein it has been held that:

“59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama

should suffice for the purposes of evidence.”

Considering the facts and circumstances and law laid down by higher courts, articles i.e. Mobile in question as per seizure memo be released to the registered owner/applicant on furnishing security bond of **Rs. 5,000/-** (***Which represents approximate valuation of the property***) and after the ensuring the compliance of the submissions made by Ld. APP for the State. Coloured photographs of the article be obtained, and panchnama be prepared. The same shall be signed by the applicant, complainant as well as the accused.

Panchnama, photographs alongwith the CDR record shall be filed at the time of filing police report.

Copy of the order be provided to the applicant on his appearance.

(Medha Arya)
ACJM/South District
New Delhi/09.02.2026