

**IN THE COURT OF THE III ADDL. SESSIONS JUDGE /
SPECIAL JUDGE (SPE/CBI)-I, ERNAKULAM**

**Present: Sri. P.K. Mohandas, III Addl. Sessions Judge/
Special Judge (SPE/CBI)-I, Ernakulam**

Friday the 10th day of October, 2025/ 18th Aswina, 1947

Crl.M.P. No. 228/25
(Crl.M.P. No. 4489/2025)

In

SC No. 1650/2024

Petitioner/Accused No. 16 : Sreehari R.D, residing at Shreenilayam House, Payattadi, Pacha Palluvally P.O, Palode, Thiruvananthapuram – 695562.

By Adv.Sri. Isac Sanjay and Adv.Sri. Aravind Prakash

Complainant/Respondent : Central Bureau of Investigation, **Represented by Smt. Ramya Prasad, Public Prosecutor, CBI -I Court, Ernakulam.**

This petition is coming on for hearing before me on 07.10.2025 and the Court on 10.10.2025 passed the following:

ORDER

This is an application filed by the 16th accused u/s. 497 of BNSS, seeking interim custody of his mobile phone.

2. The prosecution case is that the petitioner along with others committed criminal conspiracy and physically assaulted the deceased

Sidharthan J. S., a student of Veterinary and Animal Science College, Pookode, Wayanad on the intervening night of 16.02.2024 and 17.02.2024 inside the men's hostel and abetted him to commit suicide. The case was initially registered as Crime No. 77/2024 at Vythiri Police Station, Wayanad. Following the notification dated 09.03.2024 issued by the Government of Kerala and the subsequent notification dated 05.04.2024 issued by the Government of India, the case was transferred to the CBI, Special Crime-II, New Delhi and re-registered as RC.0502024S0002 on 05.04.2024.

3. After the investigation, CBI filed final report before the Chief Judicial Magistrate Court, Ernakulam on 25.04.2024 against 19 accused, including the petitioner, for offence u/s.120B, 341, 323, 324, 342, 355, 306, 506 of IPC and u/s.4 and 3 of the Kerala Prohibition of Ragging Act, 1998, and the case was taken on file as C.P. No.1/2024. The case was committed to the Sessions Court as per the order dated 13.09.2024. The case was taken on file in the present number and made over to this court for trial and disposal.

4. The petitioner submits that he is arraigned as the 16th accused in the case. After his arrest, his mobile phone, Sky Blue color Redmi 10 Pro, bearing IMEI Nos. 867217057288153/21 and 867217057288161/21, along with JIO SIM Card No. 89918620400029843447, BSNL SIM Card No. 89917200114011243595 and 8 GB Micro SD memory card was seized by the police. The phone was produced before this court as MO23 in the final report. The current market value of the phone is approximately ₹15,000/- and all his

contacts, personal and professional records and other important information are stored on the device. The phone was not used in the commission of the alleged offence. The petitioner is the absolute owner of the property. The petitioner is ready to abide by any conditions imposed while granting interim custody of the phone.

5. The investigating officer filed objection stating that the mobile phone was seized during investigation of the case by local police on 28.02.2024. The mobile phone of the accused cannot be released at this stage, as it is an MO relied upon by the prosecution and is required during the trial. The phone can be returned only after the conclusion of the trial.

6. I have heard the counsel appearing for the petitioner and the Public Prosecutor.

7. The learned counsel for the petitioner submitted that the petitioner is the absolute owner of the property, which has no connection to the above crime. The petitioner is ready to abide by any conditions imposed while releasing the phone.

8. This petition is filed for releasing the mobile phone seized from the possession of the petitioner. The prosecution has no case that the mobile phone was directly used/involved in the commission of the offence in this case. It was sent for expert examination and forensic extraction has been completed. It is submitted that extracts are produced before the court by the expert.

Though it is produced as a material object, the prosecution has no case that the phone is necessary to prove any fact in the case. It is not disputed that the petitioner is the owner of the mobile phone. If the device is kept unused without charging, it may cause damage by lapse of time. In view of the decision of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat* (AIR 2003 SC 638), there is no necessity of keeping seized articles in the custody of the court and the same is to be released to the person entitled to possess the same. In this case there is no other claim petition filed. Considering the facts of the case and other materials placed before me, I am inclined to release the device subject to following conditions.

Hence, the petition is allowed.

1. The mobile phone, Sky Blue color Redmi 10 Pro, bearing IMEI Nos. 867217057288153/21, 867217057288161/21, with SIM Card Nos. 89918620400029843447, 89917200114011243595 and 8 GB Micro SD memory card shall be released to the petitioner on his executing bond for Rs.50,000/- with one solvent surety for the like sum.
2. The petitioner shall not delete, alter, or tamper with any existing data in the mobile phone until completion of the trial. He shall keep the same in good condition and properly charged.
3. The petitioner shall produce the mobile phone before the investigating officer or this Court as and when required during the

course of investigation or trial.

4. The petitioner shall file an affidavit stating that he will comply with the above conditions.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 10th day of October, 2025.

Appendix: Nil

Sd/-
P. K. Mohandas
III Addl. Sessions Judge/
Special Judge (SPE/CBI)-I

Id/-
III Addl. Sessions Judge/
Special Judge (SPE/CBI)-I
(By Order)

//True Copy//

Sd/-
Sheristadar.