

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
CHAVAKKAD**

Present: Smt. Saarika Sathyan V., Judicial First Class Magistrate
Dated, this the 2nd day of March, 2026.

CrI. M.P. No. 2/2026 in CP 23/2026

Petitioner : Abdul Wahab, 49/26, S/o. Noor Muhammad,
Kizhakkekalam House, Chovvallurpadi Desom,
Kandanassery Village, Kunnamkulam Taluk.
(By Adv. Sayana K.B.)

Respondents : State-Rep. By the Sub Inspector of Police,
Guruvayoor Police Station in Crime 1016/2025 of
that police station.
(By the A.P.P.-Chavakkad)

Order : Allowed.

ORDER

1. This is a petition filed u/s. 497 of BNSS, for the release of the cream colour Oppo mobile phone, involved in Crime No.1016/2025 of Chavakkad Police Station.
2. Heard. Perused records. The petitioner stated that, he is the owner of the above said mobile phone. The prosecution has not raised any serious objection in allowing this petition. It is noted from the record that the mobile phone is taken on file as PI No. 1078/2025 (List III, Item No. I) of this Court. It is clear from the decision of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai vs State Of Gujarat : AIR 2003 SC 638 : (2002) 10 SCC 283* that the owner of an article should not suffer because of its remaining unused or by its misappropriation. In this decision it is held that the powers of 451 of Cr. P. C. should be exercised expeditiously and judiciously. It was further held that when an application is filed under section 451 of Cr.P.C., power should be exercised properly and promptly and the Magistrates should take care that the articles are not kept for long time at the police station.
3. In the case at hand, there is nothing warranting the retention of the seized mobile phone in police custody. The mobile phone shall be released to the interim custody of the

petitioner subject to the following conditions.

1. The petitioner shall execute a bond for ₹ 25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum.
2. The petitioner or the owner shall produce the mobile phone before court as and when required in the same condition.
3. The mobile phone shall not be used for committing any offence.
4. The mobile phone shall not be transferred to any one else until further order.
5. The photographs of the mobile phone shall be taken at the expense of the petitioner.
6. The photographs of the mobile phone shall be attested by the petitioner and the IO/SHO. The photographs duly attested by petitioner and the IO/SHO shall be kept in the file.
7. The photographs shall be produced by the SHO / IO with a CD of the same and also along with a certificate as specified under section 63 of the Bharatiya Sakshya Adhinyam.

Pronounced in open court this the 2nd day of March, 2026.

Sd/-
Judicial First Class Magistrate,
Chavakkad.

/True Copy /

Judicial First Class Magistrate,
Chavakkad.