



MHAM180007492026
Cri.M.A. / 64 / 2026
Yash Vs. State

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
WARUD, DIST. AMRAVATI.

(Court No. 3)

(Presided over by J. S. Thakare)

Cri.M.A. 64 / 2026

Applicant: Yash Yadavrao Gawande
Aged about :- 19 yrs. Occ :- Helper,
R/o. Pusla, Tq. Warud, Dist. Amravati

-Versus-

Non-applicant: The State of Maharashtra
Police Station, Shendurjana-Ghat
Tq. Warud, Dist. Amravati.

Advocate for Applicant : Shri. N. A. Quraishi

Advocate for Non-applicant : A.P.P. K. M. Panchgade

ORDER BELOW EXH. 1

(Passed on 18/04/2026)

This is an application filed under Section 503 of Bhartiya Nagrik Suraksha Sanhita, 2023 by applicant seeking interim custody of **old Redmi Company Mobile with Jio Sim-Card No. 7498452350** seized by the Police Station Shendurjana-Ghat in the Crime no. 107 / 2026 under Section 303(2) of Bhartiya Nyaya Sanhita read with Section 9, 15 of Environment Protection Act on Supratanama.

2. It is the submission of applicant that the said mobile is seized by the Investigation Officer in the Crime No. 107 / 2026 under



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Section 303(2) of Bhartiya Nyaya Sanhita read with Section 9, 15 of Environment Protection Act. This mobile is in the custody of Police Station Shendurjana-Ghat in an idle condition by which there is possibility of occurrence of any technical issue and damage in seized mobile phone. The applicant needs this mobile phone for daily use and due to mobile phone are in the custody of police station adversely affecting the same. Therefore, the applicant is in dire need of the said seized mobile. Therefore, he prayed for release of the seized mobile on Supurtanama.

3. The say of I.O. and Ld. APP were called. The Investigation Officer submitted that they have no objection to released the said seized mobile after verification of necessary documents.

4. The Ld. A.P.P for the State filed his say on the overleaf of the Supurtanama application. He opposed the present application and submitted that the investigation is in progress. The present case pertains to illegal excavation and transportation of minor minerals without valid permission, causing environmental damage, loss to Government Revenue and damage to public property. The seized mobile is a material evidence for the purpose of investigation. Applicant has failed to produce any documentary proof of ownership of said mobile such as invoice bill or any other reliable document. If mobile will release on supurtnama the applicant may use this mobile in similar offence or may change the nature of seized mobile or will sale it to another person without permission of Court or will not produce said mobile before Hon'ble Court or IO whenever is required. Hence, application to be rejected in the interest of justice.

5. Heard, the Ld. Advocate for applicant and Ld. A.P.P for State.



6. Here in the present case, the applicant has filed documents in support of the application. Applicant submit verified copy of his Aadhar Card and copy of F.I.R. The F.I.R. shows that the said mobile was seized from the applicant. The applicant has filed his affidavit on record at Exh. 06 that he has no purchase bill of the said mobile. But, he will comply with the conditions imposed by the Hon'ble Court.

7. According to Section 503 of Bhartiya Nagrik Suraksha Sanhita, the Magistrate may pass such order respecting the delivery of such a seized property to the person entitled to the possession thereof. On perusal of copy of F.I.R. and Aadhar Card of applicant it reveals that the mobile was seized from applicant.

8. On perusal of say of I.O., it seems that the custody of the said mobile phone is not required at this stage. In such circumstances, if the mobile remain in the custody of Police Station, then it may cause damage to the said mobile. Necessary condition can be imposed. Trial of the offence would take its own time for conclusion.

9. The Hon'ble Apex Court in the case of "***Sunderbhai Ambalal Desai Vs. State of Gujarat***", reported in "***AIR 2003 SC 638***" held that "it is of no use to keep such seized property at the Police Station for a long period and Magistrate to pass appropriate order by taking appropriate bond and guarantee as well as security for return of said property, if required at any point of time." Hence, in view of ratio laid down in aforesaid judgment and considering the fact of present application it is of no use to keep the said mobile in police station. Therefore, the application needs to be allowed by imposing necessary conditions. Hence, I pass the following order;



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ORDER

1. Application is allowed.
2. The Investigation Officer of Police Station **Shendurjanaghat** in Crime No. **107 / 2026** is hereby directed to release the custody of seized mobile i.e. **old Redmi Company Mobile** with **Jio Sim-Card No. 7498452350** on Supurtnama of applicant namely **Yash Yadavrao Gawande** by executing indemnity bond of Rs. 10,000/- (Rupees Ten Thousand only) on following conditions.
 - i) Applicant shall produce the said **old Redmi Company Mobile** with **Jio Sim-Card No. 7498452350** as and when directed by Court.
 - ii) He shall not dispose or alienate the **old Redmi Company Mobile** with **Jio Sim-Card No. 7498452350** in any manner to anybody else during investigation and trial of the crime.
 - iii) He shall not change the structure, color and internal mechanism of the said mobile.
3. The Investigation Officer of Police Station Shendurjanaghat is hereby directed to carry out proper panchanama along with photographs of said mobile at the expense of applicant before handing over the seized mobile to applicant.
4. The record and proceeding of this application, photographs and panchanama be annexed with the charge-sheet of case that may be filed in Crime no. 107 / 2026.
5. Letter be issued to Police Station Shendurjanaghat.

(J. S. Thakare)

Dtd. 18/04/2026

Judicial Magistrate First Class,
Court No. 3, Warud.
