

Criminal Misc. Application No. 95/2026.
Sunita Suryawanshi V/s. State of Maharashtra.
CNR No : MHBI130004412026.

ORDER BELOW EXH - 01.

The present application has been filed for seeking the interim custody of seized **Vivo companies Y56(8-28) mobile phone bearing IMEI No. 865595064535995** seized by the **Parli Rural Police Station**, in the **Crime No. 12/2026** filed U/s. **303(2), 317(2), 3(5)** of **Bharatiya Nyaya Sanhita, 2023.**

02. The I.O. filed his say at **Exh. 5** and submitted that the seized mobile is prime evidence. There are whatsapp chats relating to the sendal business transactions and the said information is required to preserve for the trial. If the mobile is handed over to the applicant he will destroyed the same. The seized mobile is digital evidence. Therefore, application may be rejected. The Ld. A.P.P. filed his say to the overleaf of the application and submitted that the seized property is forest produce. therefore, application may be rejected.

03. Ld. Advocate for the applicant has submitted that, the applicant is the owner of the said mobile and he is ready to abide all the terms and conditions imposed by the Court. He has further prayed for the release of the said mobile.

04. I have perused the documents filed by the applicant, i.e. copy of FIR, copy of Aadhar card, Copy of receipt of mobile phone. From

the above documents prima-facie it is proved that the applicant is owner of the said mobile. I am of the view that there is no sufficient reason to detain the said mobile.

05. The possibility of damage to the mobile can not be ruled out. Except applicant no other person has claimed the seized vehicle. In the case of, **Sundarbhai Ambalal Desai and C.M. Mudaliar Vs. State of Gujrat AIR 2003 SC 638**, it is held that, it would be justifiable to hand over the seized property to the applicant during the pendency of the trial. Considering the all above aspects, Therefore, I pass the following order.

:: O R D E R ::

01. The application is allowed.
02. The Investigation Officer is directed to take the FOUR colour photographs of the said seized **Vivo companies Y56(8-28) mobile phone bearing IMEI No. 865595064535995** seized by the **Parli Rural Police Station**, in the **Crime No. 12/2026** filed U/s. 303(2), 317(2), 3(5) of **Bharatiya Nyaya Sanhita, 2023**, at the cost of the applicant and attach with the charge-sheet.
03. The Investigation officer is further directed to prepare Panchanama of said mobile and submit to this Court along with the charge-sheet and handover the seized mobile temporary to the applicant.

04. The applicant is also directed to execute an indemnity bond of ₹ 20,000/- (₹ **Twenty Thousand Only**) on the following conditions :-

A) That the above mobile should not be sold or disposed of in any way and shall be produced as and when the Court directs till the decision of the Crime.

05. The copy of said order be kept with present crime.

Place : Parli Vaijnath.

Date : 12/03/2026.

(D. Y. Rairikar)

Judicial Magistrate F.C. (Court No. 2),
Parli Vaijnath.

:: **Certificate of Stenographer** ::

“I affirm that the contents of this PDF file are word to word as per original Order.”

Dictated On : 12/03/2026.

Transcribed On : 12/03/2026.

Checked & Signed On : 12/03/2026.

Date : 12/03/2026.

Place : Parli Vaijnath.

(Sachin S. Gupta)

Stenographer (Grade – 3)
Civil Court (Junior Division) & J.M.F.C.
Parli Vaijnath (MHBI-13)