

**In the Court of Special Judge, Buldana**  
(Presided over by Smt. Chitra Hankare)

**Special Case No. 52/2019**  
(CNR : MHBU010016812019)

**State vs. Vishl**

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**Order below Application Exh.4**  
(Dated 04/12/2019)

This is an application for return of seized mobile in this case from the applicant/accused Satish Rajput.

02. It is contended by the applicant that the Police Station Buldana City have seized his mobile of Nokia-6 T.A. 1021 D.S. bearing EMI No. 356029084167245 and 356029084167252 in this case which is registered having Crime No. 487/2019 for the offence u/s 306, 504, 506 read with section 34 of the I.P.C. and the offence under Section 3(1)(4)(s) of the S.C. and S.T. (Prevention of Atrocities) Act. He is the owner of said mobile and it is required for his use.

03. Say (Exh.5) is given by the A.P.P. and submitted that the seized mobile is the part and parcel of evidence. The allegations against this accused are very serious, there is abetment at the hands of accused, deceased had committed suicide. If the mobile is released then accused may change its nature. For the purpose of trial, it is required for evidence. Hence, the application is liable to rejected.

04. Heard learned Advocate for applicant and the learned APP.

05. The applicant has produced the verified copy of purchase memo of mobile. Admittedly, the police have seized the said mobile during the course of investigation. On going through the case papers, it reveals that in the said mobile, there is conversation in between the accused and deceased. So also it is used for sending video messages regarding alleged sexual activities. Thus, it is naturally required for the purpose of evidence during trial. If the same is released on supurtnama, there is every possibility of tampering the evidence. Hence, the applicant is not entitled to get the seized mobile till conclusion of trial. Hence, I pass the following order.

**ORDER**

Application is hereby rejected.

Dt. 04/12/2019

(Smt. Chitra Hankare),  
Special Judge, Buldana.

Certificate

I affirm that the contents of this PDF judgment are same word for word as per original.

Name of Court. : Additional Sessions Judge,  
Buldana.

Name of Steno : P.K. Patki, Steno (Grade-1).