

CNR NO.MHCH010020602022
ORDER BELOW EXH. 8.
(Passed on this 16th January, 2023)

1. This is an application under Section 451 of Code of Criminal Procedure to get the custody of Mobile phone of Vivo Company, Batch No. 861615053904812 worth Rs. 9,500/- seized by City Police Station, Chandrapur in crime No. 322/2022 for the offence U/sec. 307 of Indian Penal Code.
2. The applicant states that he is the owner of the above mobile phone. The police have filed charge-sheet bearing Sessions Case No. 119/2022 in this offence. The police had seized his mobile phone in this offence. He states that now the police do not require the custody of his mobile phone. The mobile phone is lying in the police station. It may be damaged, it may be rusted and its value is decreasing day by day. He states that as he is the owner of this mobile phone he is entitled to get the custody of this mobile phone. He states that he will produce the mobile phone in the Court as and when directed by the Court. He will not sell, transfer or alienate the mobile phone to anybody until the decision of the case. So, he has prayed to allow his application.
3. Upon this application the say of the Ld. APP was called. The Ld APP has opposed this application by stating that the mobile is an important piece of evidence in this crime. If this Mobile is released, the accused may get the benefit in the trial. The accused may destroy the mobile phone. So he has prayed to reject the application.
4. Heard both the sides. Perused the papers of the case. Perused the

receipt of purchase of mobile phone. It appears that the applicant is the owner of the Mobile phone. The investigation of this case is completed and charge-sheet is also filed. The police have recovered the data from this mobile phone. They have collected the CDR of this mobile phone. This mobile phone is lying at the police station. It may be damaged if it is not used. The mobile can be handed over to the applicant by taking an indemnity bond from him. The applicant is directed that he should not sell or transfer or alienate the mobile to anybody until the decision of the case. The I.O. is directed to take the photograph of the mobile phone while handing over it to the applicant. So, I allow this application by passing the following order ;

ORDER

- i] The Mobile Phone of Vivo Company, Batch No. 861615053904812 worth Rs. 9,500/- shall be released on supratnama to the applicant on executing an Indemnity bond of Rs.10,000/- (Rs. Ten Thousand only) before this Court.
- ii] The applicant shall not sell, alienate or dispose off the same in any manner whatsoever and shall produce the same before the Court whenever the same is required during the trial.
- iii] The P.S.O./I.O. City Police Station, Chandrapur is hereby directed to obtain colour photographs of said mobile before releasing the same and produce the said photographs in the Sessions Case No. 119/2022, State V/s. Alimuddin Ansari.

Dated. 16.01.2023.
Chandrapur.

(P.G.Bhosale)
Additional Sessions Judge,
Chandrapur.