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**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
CHAMORSHI, DIST. GADCHIROLI.**
(Presided over by Y.J. Valvi)

Cri. M.A. No.43/2026

Exh.1

Shri. Deepak Nutan Thakkar,
Aged 31 years, Occu.- Business,
R/o. Ganjward Chandrapur,
Tah. & Dist.- Chandrapur.

Applicant

Vs

State of Maharashtra,
Through Police Inspector,
Police Station Ashti,
Tah. Chamorshi, Dist. Gadchiroli.

Non-applicant

.....
Adv for applicant

: Shri. K. T. Satpute

Adv for Non-applicant

: Shri S. M. Salame, APP
.....

Judgment

(Delivered on 23/03/2026)

The instant application is filed under section 503 of Bharatiya
Nagarik Suraksha Sanhita for releasing Mobile hand set One Plus 7 Pro
Sim. No. 8830424532 seized in No. 373/2025 for the offence p/u/s 316(2),

318(4), 319(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 Police Station, Ashti.

2. It is the contention of the applicant that, he is owner of above mentioned mobile hand set. On 21/12/2025 Ashti police have seized the mobile hand set in crime No.373/2025. According to the applicant, the mobile hand set mentioned in the application belong to him. The said mobile hand set is required for his daily use. The applicant is ready to abide by any condition to be imposed by this court while releasing the mobile hand set.

3. I.O. filed say that, the present offence is cyber crime committed with the help of the said mobile hand set and have been seized in investigation as the evidence. The investigation is incomplete and if the said mobile hand set released to the applicant then there is possibility that the applicant may destroy the data which is the evidence in the present crime. There will be hurdle in investigation if the said mobile hand set returned to the applicant. Therefore, he prayed to reject the application. Ld. APP submitted that, the offence is relating to the cheating amount of Rs. 44,45,500/-. Ld. APP further submitted that, applicant has used his mobile for committing the offence and mobile is the case property. Ld. APP further submitted that, applicant may delete the data of mobile. Investigation is going on and matter is serious in nature. Ld. APP submitted that, interlink connection of the call and messages. The investigation is in progress therefore, he prayed to reject the application.

4. Heard both sides. Perused the application and documents filed with it. The mobile hand set has been seized from the applicant. No one has claimed the said mobile hand set except the applicant. If the said mobile hand set kept unused at the police station it will become defective. It appears from explanation of IO filed at Exh.7 that, mobile hand set is not required for data collection. Considering the ratio laid down in **Sunderbhai Ambalal Desai Vs. State of Gujrat on 1 October, 2002**, the application deserves to be allowed. Therefore, I proceed to pass following order.

ORDER

- 1 Application is allowed.
- 2 Mobile hand set One Plus 7 Pro Sim. No. 8830424532 seized in No. 373/2025 be returned to applicant Shri. Deepak Nutan Thakkar till the conclusion of the trial on executing indemnity bond of 10,000/- (Rs. Ten thousand Only) against the mobile hand set.
- 3 The applicant to undertake that he shall not sell, transfer or create any third party interest on the above mobile hand set and he shall not change the nature of mobile hand set. The applicant to maintain and preserve mobile hand set in all respects. The applicant shall produce the mobile hand set in question as and when required and directed by the court and investigation officer. The applicant is further directed to undertake that he shall not use the mobile hand set in commission of any offence including the offence in which the mobile set was seized.
- 4 The I. O. is directed to prepare detail panchanama of the said mobile hand set, take photograph of the mobile hand set and release the above mobile set.
- 5 Prosecution is at liberty to approach this court for revoke the supratnama bond in case of breach of condition by the applicant or anybody on behalf of the applicant.
- 6 The record and proceeding of this application be attached to the chargesheet in crime 373/2025.
- 7 The custody of the said mobile hand set is interim pending trial and subject to final order in the case.

Dt. 23/03/2026

(Y.J.Valvi)
Judicial Magistrate F.C.,
Chamorshi.

CERTIFICATE

I affirm that the contents of this P.D.F. file are word to word same, as per original Judgment.

Name of Stenographer :Mr. S.N.Khandekar, Stenographer
(Grade-3)

Name of Court : Civil Judge (Jr.Dn.) &
JMFC, Chamorshi.

Date of Judgment/Order : 23/03/2026.

Judgment checked and
signed by Presiding Officer on : 23/03/2026.

Judgment uploaded on : 23/03/2026.