

**IN THE COURT OF 2nd JUDICIAL MAGISTRATE FIRST CLASS,
COURT NO.2, CHALISGAON**



R.C.C. No.205/2025
State Vs. Moinoddin
CNR NO.MH-JG-1200-1328-2025

ORDER BELOW EXH.1.
(Passed on 18/04/2026)

This is an application filed by the applicant under section 497 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for getting the interim custody of seized mobile phones OPPO RENO 12 PRO and OPP F19 PRO bearing IMEI No.869458072086978 and 863251048185230 respectfully seized in Crime No.60/2025 registered in City Police Station, Chalisgaon for the offence punishable u/S. 67A of the Information Technology Act, 2000 and u/S. 79, 356(2)(3) of the Bhartiya Nyaya Sanhita, 2023.

2. Applicant submitted that he is the owner of seized mobile phones. He is ready to abide by all the conditions which may be imposed by this court. He further undertakes not to change its nature or dispose it off till final disposal of the case. Hence, he prayed for interim custody of seized mobile phones.

3. Ld. A.P.P. has filed his say vide Exh.19 and I.O. has filed his say vide Exh.20. They strongly opposed the application. It is submitted that the aforesaid mobile phones are important evidence of the crime and they are sent to forensic laboratory, Nashik for examination. Ld. A.P.P. further submitted that, if the mobile phones are released on supurtnama, accused may dispose off or may change their mechanism. He further submitted that the offence is serious in nature and if the seized mobile phones are released on supurtnama,

applicant may tamper the evidence. Hence, Ld. A.P.P. and I.O. prayed for rejection of the application.

4. Perused the application, say of I.O. and learned APP. Heard both parties at length. Considering the submissions of both the parties and documents filed on record, it appears that allegedly the offence has been committed by accused persons by using said mobile phones. The offence is serious in nature and the aforesaid mobile phones are seized from the custody of accused during investigation. On perusal of FIR and say of I.O. it appears that the seized mobile phones are the primary and material evidence in this case. If the seized mobile phones are handed over to the applicant, there is possibility of tampering the evidence. If the application is allowed it will defeat the ends of justice. Therefore, it will not be just and proper to allow the application and handover the seized mobile phones to the applicant at this stage in the interest of justice.

5. Hence, the present application is liable to be rejected. In the result, I pass the following order.

ORDER

The application (Exh-22) is hereby rejected.

Date : 18/04/2026.

(Smt. S. B. Ghute)
2nd Jt. Judicial Magistrate First Class,
Court No.2, Chalisgaon