


MHNG080023702025 	SCC No.1238/2025 State Vs. Aman
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Order Below Exh. 02

This is an application Under Section 497 of BNSS for claiming interim custody of mobile phone handset seized during interrogation.

2. According to applicant, he is owner of Mobile seized by investigating machinery. Hence, this application.

3. According to prosecution, the accused committed the crime under Sections 112 of Bhartiya Nyay Sanhita and 12(A) of Maharashtra Gambling Act read with 142 of Mumbai Police Act. The seized mobile is the important evidence in the crime and he will not produce the mobile before the court. If the mobile is release on supratnama, then the important evidence will be destroyed or tampered and it will affect the fact of the case. Finally prayed to reject the application. Investigating Officer file say below Exh.8.

4. Read application, say heard learned Advocate for the applicant and perused record. Crime bearing No.520/2025 was registered with police station, Kanhan for offence punishable under Sections 112 of Bhartiya Nyay Sanhita and 12(A) of Maharashtra Gambling Act read with 142 of Mumbai Police Act.

5. After due investigation, police authority filed say before this court it is numbered as S.C.C.No.1238/2025. It will take time to decide the case on merits. After perusal of charge-sheet, list of document shows mobile phone bearing IMEI No.866254070316936 and 866254070316928 came to be recovered from the possession of applicant.

6. As far as interim custody of mobile phone is concern no one has came before this court to claim ownership of sell phone which is seized by the police machinery. Definitely if sell phone is kept under the custody of police machinery it may caused technical error in the gadget. On the contrary the applicant shows receipt of dated 27.04.2025.

7. Considering all above aspects of the matter and ratio laid down by **The Hon'ble Apex Court in Sunder Bhai Ambalal Desai Vs. State of Gujarat, (MANU/SC/1110/2002)**, dealt in detail with the scope of section 451 of

CrPC, particularly with respect to the disposal of property in the custody of the police station pending trial. I pass following order:-

ORDER

1.	The application is allowed.
2.	The interim custody of mobile phone handset Oppo A5 Pro Seized in crime bearing No.520/2025 of police station, Kanhan be delivered to the applicant on executing indemnity bond of Rs. 20,000/- (Twenty thousand only).
(I)	The applicant shall not create any third party interest over the said mobile phone handset. The applicant shall not modify alter or delete data containing in it.
3.	The Investigating Officer is further directed to produce documents like photo copies of mobile bill, photographs of the mobile phone handset and indemnity bond of the applicant before this court.
4.	Application is disposed off in above terms.
5.	No order to costs. Inform to the Police Station, Kanhan accordingly.

Place : Kamptee.
Dt. 25.03.2026

(Q.R. Syed)
Judicial Magistrate First Class,
(Court No.3), Kamptee.

