

MHNS100000252026



Exhibit No. : 08

Presented on : 07.01.2026

Registered on : 07.01.2026

Decided on : 10.03.2026

Duration : Years-Months-Days
00 02 02

IN THE COURT OF ADDITIONAL SESSIONS JUDGE

AT : NIPHAD

(Presided over by Abdussalam A.A.Shaikh)

CRIMINAL REVISION APPLICATION NO. 04 OF 2026

Shri. Sachin Ashok Rode]
Age : 31 Yrs., Occ. : Agriculture]
R/o. At Post Shrirampur (Bagalwadi)]
Tal.Niphad, Dist. Nashik]

Petitioner

Versus

Maharashtra State]
Through : Police Inspector]
Saikheda police station,]
Tal. Niphad, Dist. Nashik]

Respondent

Revision against the order dated 06.12.2025 passed below Exh.1 by learned Judicial Magistrate, First Class, Niphad in Cri.M.A. No.245/2025.

Shri. G.A.Pophalia Advocate for petitioner.

Shri.R.L.Kapse, APP for respondent

J U D G M E N T

(Delivered on : 10.03.2026)

1. By filing this revision-application under Sec. 438 of B.N.N.S., 2023, applicant has challenged the order dated 06.12.2025 passed below Exh.1 in Cri.M.A.No. 245/2025 by saying that application for return of the two mobile phone is allowed with certain conditions and applicant has prayed that the condition may be relaxed.

2. The Investigating Officer through Ld. APP has filed his say at Exh. 7 stating therein that all the data of both the seized mobile phone are uploaded in the pen drive and that the panchanama regarding seizure of that pen drive is also done and it is therefore, submitted that they have no objection if the said mobile phone is given on condition to the applicant.

3. Applicant has come with the case that his two mobile phones i.e. Realme company Pro5G and Samsung company S24 seized in Cr.No. 152/2025 registered with Saikheda police station for the offences punishable under Section 108, 80, 351(2) of B.N.S. belongs to him and he requires it in connection with his service and for his use and therefore, he has prayed for return of the same and that the Ld. Trial court allowed the application with the conditions that the entire data of the said mobile phones be deleted. It is therefore, submitted that the said condition may be relaxed.

4. I have perused the impugned order. I have heard both the sides. I have also heard the Investigating Officer.

5. Following points arise for my determination and I have noted my findings against it for the reasons to follow :-

POINTS

FINDINGS

1] Whether any interference is required in .. Yes

the order dated 06.12.2025 passed below
Exh.1 in Cri.M.A.No. 245/2025 ?

2] What order ? .. As per final order

REASONS

As to Point Nos. 1 and 2 :

6. While granting application for return of aforesaid two mobile phone, the Ld. Trial court passed order and the operative order is reproduced as under :

“ORDER

1. The application is allowed
2. The interim custody of the 11Pro 5G mobile phone of Realme Company bearing IMEI No.862902061741876 and 862902061741868 and S24 Mobile Phone of Samsung Company bearing IMEI No.354267934464378 be handed over to the applicant on his executing Suprutnama, bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) before this court imposing following conditions :-
 - a)The I.O. shall extract, preserve and save all the data including call logs, messages and digital contents from the seized mobile phones into insecured hard drive.
 - b)The said hard drive shall be sealed, labelled and signed by it I.O. and two panch witnesses and it shall form part of the record of the case for the purpose of trial and future references.
 - c)After the extraction and preservation of data the I.O. shall perform a complete factory reset on the seized mobile phones in presence of panch witnesses and he shall insure that, no data remains on the devices.
 - d)The applicant shall not transfer, alienate and/or create any third party interest in the muddemal in any manner.

e)The applicant shall not change the colour, nature and appearance of said the muddemal and keep it as it is, so as to be identifiable.

f)The applicant shall produce 4 colour photographs of the said muddemal, which will disclose its full identity. Concerned officer is directed to facilitate the photographs.

g) The applicant shall not use the muddemal for any illegal or any unlawful purpose or in any other offence.

h) The applicant shall produce the muddemal before the Court as and when required or ordered to do so. The applicant shall also produce said the muddemal as and when required for investigation.

I) The bond shall stand forfeited to the State in case of failure to abide by the conditions herein.

3.This proceeding be tagged with the case papers as and when final report is received in the said crime.

4.After execution of the supurtnama bond, furnishing the colour photographs, original mobile purchase bills by the applicant, the investigating officer shall hand over the custody of the said muddemal to the applicant by preparing necessary panchanama.

5.Issue copy of this order to the concerned Investigating Officer for its compliance. Concerned officer to file compliance report within 7 days from this order.”

7. Ld. Advocate for the applicant has submitted that condition No. 2(c) of the operative order may be relaxed as applicants important data are there in those mobile phone and if the entire data is deleted, it will cause more harm to the applicant.

8. I have perused the entire order. I am of the view that condition mentioned in condition No. 2(c) of the impugned order are not required in view of the say filed by the Investigating Officer.

Application deserves to be allowed. My answer to point no. 1 is “Yes”. My answer to Point no.2 is ‘As per final order’. Hence, I pass following order :

ORDER

1. Revision application is allowed.
2. The order of Ld. Trial court dated 06.12.2025 passed in Cri.M.A.No. 245/2025 is modified as under :
‘Condition No. 2(c) of the operative order of the Ld. Trial court is hereby deleted.’
3. Inform accordingly.

Date : 10.03.2026
Place : Niphad

(Abdussalam A.A.Shaikh)
Additional Sessions Judge,
Niphad.