

MHOS050003152026	Cri.M.A.No. 10/2026
	Dnyaneshwar / State

ORDER BELOW EXH. 1 IN CRI. M.A. NO.10/2026

1. Applicant has filed this application seeking interim custody of mobile Motorola Edge 60 PRO seized in Cr.No.321/2025 of Lohara police station.
2. Applicant has mobile number of his relatives and other important contact numbers and data in the mobile. If this mobile is kept at police station in idle condition then it will get damage. Therefore its interim custody be released to him.
3. Learned APP and IO has filed say at Exh.4 taking objection to release interim custody of mobile phone to the applicant on the ground that during investigation it is given to the Noddle Officer to collect CDR, SDR of the mobile of applicant and informant. Said CDR , SDR is not yet received. If this mobile(in its interim custody) is given to the applicant then he can delete /destroy data of the said mobile which is important from the point of this case.
4. I heard learned advocate of applicant. He submits that interim custody of mobile be released to applicant by taking out sim card from the mobile even applicant is ready to produce hand set of the mobile whenever called by I.O.
5. Learned App submits that mobile is given to Noddle Officer to collect CDR, SDR of the mobile of informant and applicant. Investigation is going on. Therefore this is not the stage to release interim custody of mobile to applicant.

6. Following points arise for determination, findings with reasons thereon are given below.

Sr.No.	Points.	Findings
1.	Whether applicant is entitled to the interim custody of mobile ?	...In the negative.
2.	What order ?	..Application is rejected.

REASONS.

AS TO POINT NOS.1 AND 2 :-

7. Alongwith Exh.3, applicant has filed copy of FIR no.321/2025 of Lohara police station. It shows that on the report of DYSP ACB Solapur Division, Crime Under Section 7, 7(A), 12 of Prevention of Corruption Act is registered against this applicant. This applicant allegedly alongwith other accused in this crime has demanded bribe from the informant for the purpose not to register crime against informant in other matter wherein one woman has committed suicide. This applicant has taken part in demand and acceptance of the bribe from one Narayankar. Therefore, crime is registered against him. This shows nature of the allegation, role of this applicant in the alleged crime registered against him.

8. Say of I.O. and learned APP shows that investigation is going on. So far as mobile phone of applicant is concerned, it is given to the Noddle Officer to collect CDR, SDR of the informant and this applicant. Said CDR, SDR are not yet received. This itself shows that investigation relating to mobile phone of applicant is not completed. Further, if applicant is given interim custody of mobile phone, then chances of deleting data from the mobile phone cannot be ruled out.

9. Considering stage of investigation, particularly with respect to the mobile phone, applicant is not entitled to the interim

custody of it. Thus, I answer point no.1 in the negative and for point no.2 pass following order.

ORDER

1.	Cri.M.A.No.10/2026 is rejected.
	Delivered and pronounced in open court.

Date. 01.6.2026

(Smt.K.F.M.Khan)
Addl.Sessions Judge Omerga.

CERTIFICATE

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

As per order of Hon'ble High Court in Letter No.RG/1611/67/2026, dated 4th April 2026, District Court Osmanabad O.No.W/4650/2026 , dated 4/4/2026, all the judgments and orders, in all the matters wherein dictation is given, copy of judgment and order should bear endorsement as under-

Name of the stenographer	Narhari Haripant Deshmukh, Stenographer Grade 1
Name of Court	Additional Sessions Court Omerga.
Judgment/order dictation given by PO	01.6.2026
Judgment/order typed by stenographer	01.6.2026
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