



Order below Exh. 15 in Sessions Case No. 132 of 2025
(State of Maharashtra Vs. Manisha Mahesh Mane-Musale)
(Passed on 09/12/2025)

This is an application under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the custody of a mobile phone of Samsung 'Galaxy' A 53 5G company, model SM-A536 E/D5 bearing IMEI No. 1) 353881486464262/01 and IMEI No. 2) 358999856464289/01 (hereinafter referred to as "mobile" for brevity).

02) The applicant has contended that on 19/04/2025, she was arrested in the present crime. At the said time, Arresting Officer had seized the mobile from her custody. Said mobile has no connection with the alleged crime. She is the owner of the said mobile alongwith sim-cards therein. She undertakes that she will not change mechanism of said mobile nor she will dispose of it till final decision of the case. Hence, she has claimed custody of said mobile.

03) The prosecution has filed reply at Exh. 24 and opposed the application by contending that there were phone calls in between the applicant and the deceased and the witnesses. Those calls have been saved in call logs of the phone. If the mobile is returned to the applicant, then definitely there are chances of destroying the evidence.

04) Heard Shri. P. P. Navgire, learned Counsel appearing on behalf of the applicant and Shri. P. M. Rajput, learned P.P. for the State.

05) Undisputedly, vide arrest panchnama dated 19/04/2025 a mobile was seized from the custody of the applicant.

06) Main objection of the prosecution is that calls in between the deceased and the applicant and the witnesses have been recorded in call logs of the phone and therefore, said mobile phone is material evidence for the prosecution. There is substance in the contention of the prosecution that said call logs are material piece of evidence. In case of handing over said mobile phone to the applicant, definitely said material piece of evidence would be destroyed. In addition to that, the applicant has not produced any title document in respect of said mobile. In the said background, it would not just and proper to hand over custody of said mobile to the applicant. Resultantly, present application is rejected.

Date :- 09th December, 2025
Solapur.

(Jaydip J. Mohite)
District Judge - 5 &
Additional Sessions Judge,
Solapur.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

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| (a) | Name of the Stenographer | : Sou. M. M. Kulkarni, Stenographer (Grade-I) |
| (b) | Court | : District Judge - 5 , Solapur. |
| (c) | Date of Order | : 09/12/2025 |
| (d) | Order signed by the
Presiding Officer on | : 10/12/2025 |
| (e) | Order uploaded on | : 10/12/2025 |