

In the Court of Additional Sessions Judge, Wardha.

Sessions Case No.54/2026
(CNR:MHWR010007132026)

State of Maharashtra
..V/s..
Jay @ Bakka Sachin Sonwane+2

Applicant: Rounak Rajendra Suryawanshi
Aged about 23 years, Occu. : Labour,
R/o Pragati Nagar, Wardha.

Order below Exh.35
(Passed on 7th August, 2026)

The present application has been filed by the applicant/accused seeking release of his mobile handset (Oneplus Novel eE-2 lite 3G), which was seized in Crime No.03/2026 registered for the offences punishable under Sections 109, 118(1), 352, 126(2), 3(5) of BNS, at Ramnagar, Police Station.

2] According to the applicant, the Investigating Officer in the said crime seized his mobile phone. It is contended that the said mobile phone is no longer required for the purpose of investigation, as the investigation has been completed and the charge-sheet has already been filed. It is further submitted that if the mobile phone is allowed to remain in the police station, it is likely to become useless due to passage of time. Hence, the applicant has prayed that the present application be allowed.

3] The Investigating Officer has filed his reply at Exh.44 and strongly opposed the application on the ground that the mobile phone is seized from the applicant. It is contended that if the said mobile phone is

handed over to the applicant on supratnama, the applicant may tamper with the mobile phone, sell it, or otherwise misuse it. Therefore, the Investigating Officer has objected to handing over the mobile phone to the applicant and has prayed for rejection of the application.

4] Heard both sides. The applicant has produced a copy of the purchase bill of the mobile phone. From the registration certificate and bill issued by Mayur Cellular, Wardha, it appears that the applicant is the owner of the said mobile phone. It is undisputed that the mobile phone was seized from the possession of the applicant/accused.

5] On perusal of the record, it is apparent that the mobile phone claimed by the applicant was seized by Ramnagar, Police Station during the investigation of the aforesaid crime. A detailed seizure panchnama must have been prepared by the Investigating Officer. It does not appear from the reply filed by the Investigating Officer that the said mobile phone is required for any further investigation. It is well-settled law that seized articles should not be kept in police custody for an unduly long period, as their value depreciates and they may become useless. The mobile phone has been lying in the police station for a considerable period and no purpose would be served by its continued detention. Therefore, interim custody of the mobile phone can be granted to the applicant, who is the owner of the seized property, subject to appropriate safeguards.

6] In view of the above discussion, the present application deserves to be allowed by imposing suitable conditions. Hence, the following order is passed:

Order

- (i) The present application is allowed.
- (ii) The mobile handset (Oneplus Novel eE-2 lite 3G), seized in Crime No.03/2026 by Ramngar Police Station, shall be provisionally released in favour of the applicant on execution of an indemnity bond of Rs.20,000/- (Rs. Twenty thousand only) of mobile phone respectively before this Court.
- (iii) The applicant shall not change the colour of the said mobile phone nor make any modification so as to alter its identity. He shall not delete any data, including WhatsApp conversations, till final disposal of the case.
- (iv) The applicant shall not sell, transfer, or create any third-party interest in respect of the said mobile phone till final disposal of the trial.
- (v) The applicant shall produce the said mobile phone along with its SIM card and memory card before the Court during trial, if so directed.
- (vi) The applicant shall produce a new memory card of required capacity for taking data backup. The P.S.O., Police Station, Ramnagar is directed to take backup of the in-built memory and SIM card data of the mobile phone, preserve the same till final disposal of the case, and thereafter hand over the mobile phone to the applicant. Similarly photographs of mobile also be snapped and copy be filed in Court.
- (vii) The concerned Police Station be informed accordingly.

Dated: 07.08.2026.

(S.A.S.M. Ali)
Additional Sessions Judge,
(Court No.2), Wardha.

C E R T I F I C A T E

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

(Anil N. Nakhate)
Stenographer Gr-I