

ORDER BELOW EXH.392 IN SPECIAL CASE NO.917/2024

This is an application taken out by **applicant/accused Ajay Aniruddha Taware** for return of property i.e. **iphone 12 – Black Colour mobile having IMEI No.352923116082667, Samsung Z Fold 5 – Sky Blue Colour bearing IMEI No.355142631029809**, seized in Crime No.306/2024 registered at Yerwada Police Station, Pune for the offences punishable under Sections 304, 279, 338, 337, 427, 120-B, 201, 213, 214, 466, 467, 468, 471, 109 read with Section 34 of the Indian Penal Code, 1860, Sections 7, 7-A, 8, 12, 13 of the Prevention of Corruption Act, 1988 and Sections 184, 185, 119/177, 3(1)/180, 5(1)/181, 119(A) of the Motor Vehicles Act (hereinafter referred as **‘IPC’, ‘PC Act’ and ‘MV Act’ respectively**).

2. Perused the application and say of investigating officer. Heard, arguments advanced by Ld. Advocate for the applicant/accused and Ld. Special P. P.

3. Ld. Advocate for applicant/accused argued that, the applicant/accused is the owner of the above mobiles which are seized by the investigating officer during course of investigation from the possession of the applicant/accused. Said mobiles have no concern with the present crime. Applicant/accused is the owner of the above mobiles and they are required for his day to day personal and professional use. Therefore, Ld. Advocate for applicant/accused prayed that, application be allowed.

4. Per-contra Ld. Special P. P. argued that, mobiles of the applicant/accused are seized as per procedure of law and it is a muddemal property in the present crime. The seized mobiles are to be sent for forensic examination and it may contain important material connected with the present crime. No prejudice is likely to be caused

to the applicant/accused as he may use another mobile. Therefore, Ld. Special P. P. submitted that, application be rejected.

5. From the material on record, it appears that, above mobiles of the applicant/accused are seized during investigation by the investigating officer by following due procedure of law. Considering the nature of crime, the possibility that, it may contain some evidence connected with the present crime, cannot be ruled out. The possibility of tampering of the data in the seized mobiles also cannot be ruled out. Moreover, considering the nature of offence and above fact that the seized mobiles are the property in the crime and considering the competing interests of the applicant/accused and prosecution, at this stage, it will not be appropriate to direct the respondent to return the seized mobiles to the applicant/accused.

6. Considering above discussion and facts of this case, it will not be appropriate to allow the application. Therefore, present application is liable to be rejected. Hence, following order.

ORDER

1. Application Exh.392 in Special Case No.917/2024 of **applicant/accused Ajay Aniruddha Taware** is rejected.
2. Application Exh.392 in Special Case No.917/2024 is disposed of accordingly.

Date : 19.05.2026

(K.P. Kshirsagar)
Additional Sessions Judge, Pune.