

VC is not working properly.

Present: Ms. Tanya Uppal, Ld. APP for the State.
Applicant in person with Ld. Proxy counsel Sh. Lakhan Singh.

This is an application for releasing of mobile phone make **Realme** filed on behalf of applicant.

Reply filed by IO. IO has stated in the reply that he has no objection if the mobile phone is released to the applicant.

Instead of releasing the articles on superdari, I am of the considered view that the aforesaid mobile phone has to be released as per directions of Hon'ble Supreme Court in case titled as Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638 wherein it has been held that

“59. The valuable articles seized by the police may be released to the person, who, in the opinion of the Court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.

Considering the facts and circumstances and law laid down by higher courts, the above said mobile phone as per seizure memo be released to the applicant on furnishing security bond as per valuation report of the article. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Application is accordingly disposed off.

Copy of this order given dasti to the applicant.

(EBBANI AGGARWAL)
Judicial Magistrate First Class-03
NW/Rohini, Delhi/04.02.2026