



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18554 of 2026

Jerome Sylvester Peeter
S/o. Peeter,
No.7/103, Illayaraja Nagar,
Paraniputhur,
Kancheepuram - 600 122.

..Petitioner(s)

Vs

The State Represented by
The Inspector of Police,
T15 SRMC Police Station,
Chennai.
Crime No.574/2022.

..Respondent(s)

Prayer: This petition is filed under section 528 of BNSS to call for the records in CrI.M.P. No. 2430/2026 in C.C.No.85 of 2023 passed by the of principal District Judge Special Court under NDPS and EC Act, Chennai and set aside the same and further direction directing the learned Principal District Judge Special Court Under NDPS and EC Act to number and the case and pass such further or other ofders may deem fit and proper to the circumstances of the case

For Petitioner(s):

M/s.K.Anusuya

For Respondent(s):

Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Crl side)



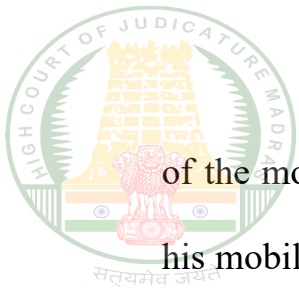
ORDER

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This petition is filed challenging the docket order passed in Crl.M.p.No.2430 of 2026 in C.C.No.85 of 2023. The Mobile Phone namely i-phone Apple was seized by the seizure Mahazar dated 14.10.2022 from one Panner Selvam who is the first accused in Crime No. 574 of 2022 on the file of the Inspector of Police, T15 SRMC Police Station.

2. The allegation in the said case is that the Accused 1 to 3 were involved in transport and sale of ganja of 1.1 kilograms and they were intercepted and caught red handed by the police. At the time of seizing of contra band, the mobile phone and also the two wheeler which was used by the accused was also seized. The investigation was completed and the complaint was take on file as C.C.No. 85 of 2023. After trial, the accused were acquitted pointing out the infirmities in the theory of prosecution relating to search and seizure and giving the benefit of doubt to the accused. While passing the final order at the time of acquitting the accused, the contraband and also the M.O's which are produced with the two cell phones seized from the accused were order to be destroyed by the Court below by a Judgment dated 04.03.2026.

3. It is thereafter the present application is filed on 27.03.2026 by the petitioner who is a third party. He submits that the bill i.e purchased in respect

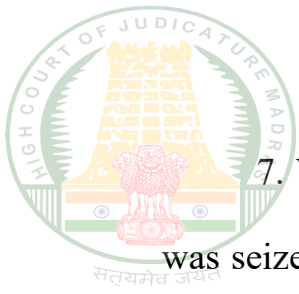


of the mobile i.e order to be destroyed stands in his name. It is his case he lent his mobile phone to the first accused and he was using it on a particular day and sought for return. When the application was filed, the Trial Court has passed the docket order stating that already the M.Os were ordered to be destroyed by the. Judgment passed in the C.C.No. 85 of 2023 hence, the application cannot be entertained.

4. The learned counsel appearing on behalf of the petitioner submitted that the cell phones is not a contraband to be destroyed. The Trial Court ought to have taken up the application for return of property and if it is satisfied that the property belongs to the petitioner ought to have returned the same. The power to return the mobile phone vest with the trial Court and as such the application of the petitioner ought to have taken up and considered.

5. I have also heard the learned counsel appearing for the Government of Tamil Nadu (Crl side) and he would submit that it is not the case as the Accused-1 was using the mobile phone for one day but the he was using the mobile phone in a regular manner.

6. I have considered the rival submissions made on either side and perused the materials records of the case.



7. When the mobile phone is said to be that of the petitioner and when it was seized in the year 2022, the petitioner kept quiet and never approached the Trial Court stating that the mobile phone belongs to him. All along the evidence was produced Trial proceeded, as if the mobile phone belong to the accused and the accused was using the said mobile phone. It is not uncommon for accused to purchase mobile phone in other persons name and to use it. When the property involved in the NDPS case has been ordered to be destroyed, especially when the mobile phone is used as a communication tool by the accused is ordered to be destroyed, merely because the plea now by belatedly, after the Judgment stating that the bill stands in the name of the petitioner, once again an enquiry into the same cannot be re-opened at this belated stage.

8. It can be seen that the mobile phone which is seized in the year 2022 and is lying in the custody of the Court for 4 years was never claimed to be that of the petitioner all along. Therefore, belated enquiry at this stage is uncalled for and prayer of the petitioner has rightly been rejected, in view of the pronouncement made in the main Judgment to destroy the mobile phone that are used by the accused in connection of the offence.

9. The acquittal is not one made on merits but with reference to the infirmities relating to seizure memo etc., in view thereof, his belated claim cannot be entertained and I am not in a position to find any interest of justice to



interfere in the matter in exercise of jurisdiction under section 482 of Code of Criminal procedure code. Accordingly this Criminal Original petition stands disposed of.

15-07-2026

Neutral Citation: Yes/No

SMN
To.

1. The Principal District Judge Special Court under NDPS and EC Act,
Chennai

1. The Inspector of Police,
T15 SRMC Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras



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D.BHARATHA CHAKRAVARTHY, J.

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