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Crl.R.C.No.2141 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2141 of 2023

Nivas

... Petitioner/Petitioner /
Accused No.5

Vs.

State Rep. By its
The Inspector of Police,
T3, Pallavaram Police Station,
Chennai District,

... Respondent/Respondent /
Complainant

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, against the order passed in Crl MP No.6206 of 2023 on the file of Principal Special Court under EC NDPS Act, Chennai and set aside the same subsequently grant interim custody of Mobile Phone OPPO F17 Pro to the petitioner.

For Petitioner	: Mr.A.M.Ravindranath Jeyapal
For Respondent	: Mr.A.Damodaran



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Additional Public Prosecutor

ORDER

This petition has been filed seeking to set aside the order passed in Crl MP No.6206 of 2023 on the file of Principal Special Court under EC NDPS Act, Chennai

2. The petitioner herein is an accused No.5 in Crime No.310 of 2023 for an offence under Section 8(c), 22(b), 27(a) and 25 of NDPS Act, had filed Criminal Miscellaneous petition in Crl MP No.6206 of 2023 before the Principal Special Court under EC and NDPS Act, Chennai, seeking for return of Mobile phone for interim custody, which was seized by the respondent police. The Special Court by an order dated 13.09.2022, dismissed the said petition on the ground that the contra band involved is of commercial quantity. Challenging the said order, the present revision case has been filed before this Court.



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3. The learned counsel for the petitioner submitted that the petitioner is a college going student and for the purpose of his education, he needs his mobile phone. The learned counsel further submitted that since on-line classes are going on, requested this Court to issue direction to the respondent to return the mobile phone which was under the custody of respondent.

4. The learned Additional Public Prosecutor on instructions submitted that the petitioner along with other person were placing orders through mobile phone and the contra band seized, consist of Nitrovet Tablets, which is a water soluble one. The tablet were converted into liquid form and thereafter, injected into the body, which result in hazardous health condition of the user public and hence, prays for dismissal of this Criminal Revision case.



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5. Considering the submission made by the learned Additional Prosecutor and also of the fact that the mobile phone is a case property, which is in need to prove the case against the petitioner, this Criminal Revision case stands dismissed. No costs.

19.12.2023

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order
rka

To

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

2. State Rep. By its
The Inspector of Police,
T3, Pallavaram Police Station,
Chennai District,

3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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