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Crl.R.C. No. 2369 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2024

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL.R.C. No. 2369 of 2024

K. Dharshanraj

..Petitioner

Vs.

The State represented by
Inspector of Police,
C1 Flower Bazaar Police Station,
Avadi City.
(Cr.No. 47 of 2024)

..Respondent

Prayer: Criminal Revision under Section 438 & 442 BNSS to set aside
the order dated 21.10.2024 made in Crl.M.P. No. 11153 of 2024 by the I
Additional Special Court under EC and NDPS Act, Chennai.

For Petitioner :: Mr.S. Kasirajan
For Respondent :: Dr.C.E. Pratap

Govt.Advocate (Crl.Side)

O R D E R

The revision challenges the dismissal of the petitioner's application



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Crl.M.P. No. 11153 of 2024 for return of his mobile phone seized during the course of investigation by order dated 21.10.2024.

2. The petitioner is an accused in Crime No. 47 of 2024 for the alleged offences under Sections 8(c) r/w 22(C), 25, 29(1) of NDPS Act. During the course of investigation, the respondent seized petitioner's mobile phone. The petitioner sought return of his mobile phone by filing Crl.M.P. No. 11153 of 2024 and the same was dismissed by the Trial Court stating that the petitioner was involved in a serious offence.

3. Learned counsel for the petitioner would submit that the respondent, after completion of investigation, had filed the final report and there is nothing to suggest that the petitioner's mobile phone was in any way connected with the crime alleged against the petitioner; that the mobile phone is kept idle at the Police Station and sought return of the same.

4. Learned Government Advocate (Crl.Side), on instructions, would submit that the mobile phone is no longer required as the respondent filed the final report after completing the investigation.

5. In view of the above said submission, this Court is of the view that the mobile phone can be returned to the petitioner subject to certain



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conditions.

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6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 21.10.2024 passed by the I Additional Special Court under EC and NDPS Act, Chennai in Crl.M.P.No.11153 of 2024 in Crime No.47 of 2024 is set aside. The respondent is directed to return the mobile phone namely i phone 14 Promax to the petitioner subject to the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of

SUNDER MOHAN,J.

nv

I Additional Special Court under EC and NDPS Act,
Chennai;

(ii) The petitioner shall also give an undertaking that he will produce the mobile phone as and when required by the respondent and by the court below.

21.12.2024

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1. The I Additional Special Court under EC and NDPS Act, Chennai.
2. Inspector of Police,
C1 Flower Bazaar Police Station,
Avadi City.
3. The Public Prosecutor,
High Court, Madras.

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