



WEB COPY



Crl.RC.No.220 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.220 of 2025

Raja

... Petitioner

Vs.

The State

Represented by the Inspector of Police

C2-Elephant Gate Police Station, Chennai

... Respondent

Prayer: Criminal Revision Case filed under under Section 397 read with 401 of Criminal Procedure Code and Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records of the impugned order passed by the Principal Special Court under EC & NDPS Act at Chennai in Crl.M.P.No.13728 of 2024 dated 16.12.2024 and set aside the same.

For Petitioner : Mr.G.Sudangan

For Respondent : Mr.S.Sugendran

Additional Public Prosecutor



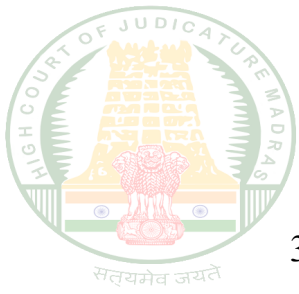
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ORDER

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This Criminal Revision Case has been filed by the petitioner challenging the impugned order passed by the Principal Special Court under EC & NDPS Act at Chennai in Crl.M.P.No.13728 of 2024 dated 16.12.2024 and to set aside the same.

2. The case of the petitioner is that the petitioner was arrested and remanded to judicial custody on 22.08.2024 in connection with Crime No.166 of 2024 dated 22.08.2024 for the offence under Sections 8(c), 20(b)(ii)(B) & 25 of the Narcotic Drugs & Psychotropic Substances Act, 1985 and subsequently, he was enlarged on bail. Thereafter, the petitioner filed a petition in Cr.M.P.No.13728 of 2024 before the Principal Special Court under EC & NDPS Act, Chennai, under Section 451 and 457 of Cr.P.C. (Now Section 497 read with 503 of BNSS, 2023) seeking return of his mobile phone which was seized by the respondent police. The said petition was dismissed by order dated 16.12.2024. Hence, the present petition is filed.



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3. The learned Additional Public Prosecutor appearing for the respondent

police submitted that the investigation already over and the charge sheet has also been filed before the concerned Court on 31.10.2024 vide Ref. No.LTN 20220002447/C24 00275.

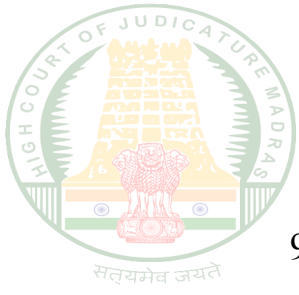
4. Heard both sides and perused the materials available on record.

5. It is seen that the investigation has already been completed and the charge sheet has also been filed and that the charge sheet does not reveal the involvement of the said mobile phone in this case.

6. Since the said mobile phone is not necessary for trial, the order passed by the learned Principal Special Judge in Crl.M.P.No.13728 of 2024 dated 16.12.2024, is set aside.

7. The trial Court is directed to return the property/mobile phone to the petitioner after getting appropriate undertaking from the petitioner.

8. The petitioner is directed to produce the said mobile phone if the same is required by the trial Court.



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9. With the above directions, this Criminal Revision Case is allowed.

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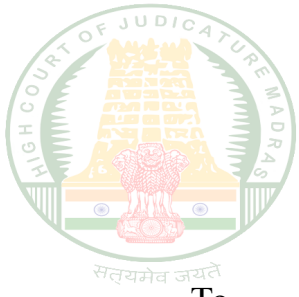
04.02.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Principal Special Court under EC & NDPS Act,
Chennai
2. The Inspector of Police
C2-Elephant Gate Police Station, Chennai
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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