



Crl.RC.No.355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.355 of 2025

Rajasekaran

... Petitioner

Vs.

The State of Tamil Nadu Rep. by
The Inspector of Police
K8, Arumbakkam Police Station
Chennai District
(Crime No.419 of 2024)

... Respondent

Prayer: Criminal Revision Case filed under Section 397 read with 401 Cr.P.C. (438 read with 442 of B.N.S.S. to set aside the order passed in Crl.M.P.No.14533 of 2024 on the file of the Principal Special Court under EC & NDPS Act, Chennai, dated 02.01.2025 and grant interim custody of the mobile Realme P1 5G Peacock Green (IMEI No.866287072807858) in favour of the petitioner.

For Petitioner

: Mr.U.Kathiravan

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 to set aside the order passed in Crl.M.P.No.14533 of 2024 on the file of the Principal Special Court under EC & NDPS Act, Chennai, dated 02.01.2025 and grant interim custody of the mobile Realme P1 5G Peacock Green (IMEI No.866287072807858) in favour of the petitioner.

2. The case of the petitioner is that on 04.10.2024, he was arrested by the respondent police in connection with Crime No.419 of 2024 for the offence under Sections 8(c) read with 22(b) & 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 alleging that the petitioner was found in the possession of contraband. Further, the respondent police seized two of his mobile phones during his arrest. Subsequently, the petitioner was enlarged on bail. Since the petitioner required mobile phone for his day to day activities, he filed a petition before the Principal Special Court under EC & NDPS Act, Chennai, in Crl.M.P.No.14533 of 2024 under Section 451 and 457 Cr.P.C. (Now under



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Section 497 read with 503 of B.N.S.S.) seeking return of his mobile phone viz.,

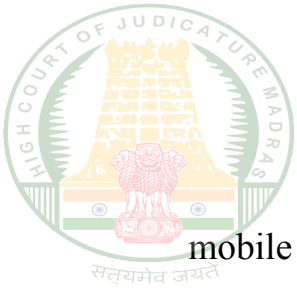
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Realme P1 5G Peacock Green (IMEI No.866287072807858), but the said petition was dismissed by order dated 02.01.2025. Challenging the same, the present revision is filed.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation has already been completed and the charge sheet has also been filed before the Special Court under EC & NDPS Act, Chennai, on 21.01.2025.

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

5. It is seen that the present petition has been filed by the petitioner seeking return of cell phone seized by the respondent police during the arrest of the petitioner. The investigation in this case has already been completed and the charge sheet has also been filed before the concerned Court and that the charge sheet does not reveal anything that the said mobile phone was used for transporting the contraband. Under these circumstances, the custody of the said



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mobile phone will serve the purpose of neither the police nor the Court. During investigation, the respondent police has produced the cell phone before the Court.

6. Therefore, the Special Court is directed to return the said mobile phone to the petitioner after scrutinizing the charge sheet and if the custody of the said mobile phone is not required for trial and the petitioner shall produce the said mobile phone as and when it is required by the trial Court.

7. With the above directions, this Criminal Revision Case is disposed of.

06.03.2025

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
K8, Arumbakkam Police Station
Chennai District
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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