



Crl.R.C.No.720 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.720 of 2025

Elanchezhian

... Petitioner

Vs

The State Rep. by
The Station House Officer,
Chengalpattu Taluk Police Station,
Chengalpattu District.
Crime No.810 of 2024

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.295 of 2025 dated 14.03.2025 on the file of Judicial Magistrate No.II, Chengalpattu and direct the respondent herein to release the mobile phone (APPLE IPHONE 16 pro) to the petitioner which was seized by the respondent herein in connection with Crime No.810 of 2024 on the file of respondent.

For Petitioner : Mr.T.Muruganantham
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)



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ORDER

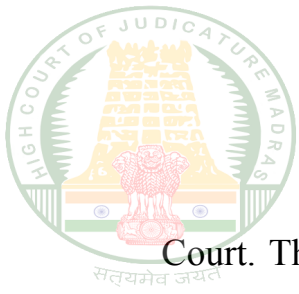
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This Criminal Revision has been filed challenging the order passed in Crl.M.P.No.295 of 2025 dated 14.03.2025 on the file of Judicial Magistrate No.II, Chengalpattu and direct the respondent herein to release the mobile phone (APPLE IPHONE 16 pro) to the petitioner which was seized by the respondent herein in connection with Crime No.810 of 2024 on the file of respondent.

2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The case of the prosecution is that there is a family dispute between the defacto complainant and his wife. The petitioner assured the defacto complainant to settle the dispute and received a sum of Rs.1,50,000/-. Thereafter, the petitioner failed to settle the issue between the defacto complainant and his wife and cheated the defacto complainant. Hence, the complaint.

4. On receipt of the complaint, the respondent registered FIR in Crime No.810 of 2024 for the offences punishable under Sections 318(4) and 204 of BNS. Pursuant to the registration of FIR, the cellphone of the petitioner was seized by the respondent and deposited before the concerned Magistrate



Court. Thereafter, the petitioner filed an application to return the property and the same was dismissed. Hence, this revision.

5. The learned counsel for the petitioner would submit that he had received only a sum of Rs.1 Lakh from the defacto complainant, for which a cell phone worth about Rs.1,50,000/- has been seized by the petitioner. That apart, the cell phone is no way connected with the offence.

6. Considering the above submission, this Court is inclined to return the property. Accordingly, the order passed in Crl.M.P.No.295 of 2025 dated 14.03.2025 on the file of Judicial Magistrate No.II, Chengalpattu, is hereby set aside. The Judicial Magistrate No.II, Chengalpattu, is directed to return the Apple Iphone 16-pro to the petitioner, forthwith on the following conditions:-

(i) The petitioner is directed to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) directly to the defacto complainant.

(ii) On receipt of such payment, the petitioner is directed to execute a own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.810 of 2024 pending on the file of the respondent police.



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7. Accordingly, the Criminal Revision Case stands allowed.

12.06.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The Judicial Magistrate No.II,
Chengalpattu.
2. The Station House Officer,
Chengalpattu Taluk Police Station,
Chengalpattu District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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