



CrI.R.C.No. 738 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

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

CrI.R.C.No. 738 of 2025

Akash @ Mottu

..... Petitioner

Vs

State by
The Inspector of Police,
PEW – Anna Nagar Police Station,
Chennai.

Crime No.419 of 2024

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertains to the order dated 16.04.2025 made in CrI.M.P.No.1825 of 2025 on the file of the Principal Sessions Court under EC & NDPS Act at Chennai and set aside the same and direct the respondent police to return the mobile phone to the petitioner.

For Petitioner : Mr.N.Mohanapriya

For Respondent : Mr.A.Gopinath
Government Advocate (CrI. Side)

ORDER

This Criminal Revision Case has been filed challenging the order dated 16.04.2025 passed in CrI.M.P.No.1825 of 2025 on the file of the Principal Sessions Court under EC and NDPS Act, Chennai, thereby dismissing



the petition filed for return of the mobile phone, viz., OPPO K12X.

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2. The petitioner is an accused in Crime No.419 of 2024, registered for the offences under Sections 8(c) r/w. 20(b)(ii)(B) & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, alleging that the petitioner was found in possession of 22.739 kilograms of Ganja. Pursuant to the registration of the FIR, the contraband and the petitioner's mobile phone were seized and the same were deposited before the Trial Court. Thereafter, the petitioner filed an application seeking return of his mobile phone. However, the same was dismissed on the ground that the investigation is still pending and the material objects are yet to be marked.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. A perusal of the records reveals that the contraband and the mobile phone were seized from the petitioner and the same were deposited before the Trial Court. The mobile phone owned by the petitioner has nothing to do with the alleged offence. Therefore, the pendency of the investigation and production of material objects are not essential with respect to the mobile



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phone to this case.

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5. In view of the above discussions, this Court is inclined to return the mobile phone to the petitioner and accordingly, the order dated 16.04.2025 passed in CrI.M.P.No.1825 of 2025 on the file of the Principal Sessions Court under EC & NDPS Act, Chennai, is hereby set aside. The learned Principal Sessions Court under EC & NDPS Act, Chennai, is directed to return the mobile phone, viz., OPPO K12X, to the petitioner, forthwith.

6. Accordingly, the Criminal Revision Case stands allowed.

13.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp



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G.K.ILANTHIRAIYAN, J.
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To

1. The Principal Sessions Court under EC & NDPS Act, Chennai.
2. The Inspector of Police,
PEW – Anna Nagar Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

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