



Crl.RC.No.901 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED:26.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.901 of 2025

Gowtham
S/o. Munusamy
No.4, Dr.Ambedkar Cross Street,
Pallikaranai, Sholinganallur,
Kancheepuram – 600 100.

...Petitioner

Vs.

State Represented by
The Inspector of Police,
H3- Tondiarpet Police Station,
Chennai.
(Crime No.63 of 2025)

... Respondent

PRAYER: Criminal Revision Petition filed under Section 442 of BNSS, 2023, to set aside the order dated 02.04.2025 passed in Crl.M.P.No.1461 of 2025 in Cr.No.63of 2025 is pending on the file of the Inspector of Police H3 – Tondiarpet Police Station, Chennai.

For Petitioner : Mr.R.Vinayaga Vishnu

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER



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WEB COURT

This Criminal Revision has been filed as against the order dated

02.04.2025 passed in Crl.M.P.No.1461/2025 in Cr.No.63/2025 on the file of the respondent police, thereby dismissing the petition to return the property.

2. The case of the prosecution is that on 15.01.2015 on the basis of secret information received, the respondent police intercepted A1 and A2 where they were found in possession of 400 gms of Ganja and on enquiry it was found that the petitioner herein (A3) had supplied the alleged contraband. Hence the petitioner has been arrested for the offence under Section 8(c) r/w. 20(b) (ii) (B), 25, 29(1) of NDPS Act, 1985 and remanded to judicial custody on 15.01.2025. During the time of arrest, the respondent confiscated the petitioner's mobile phone bearing model : iPhone 16 Pro Max, Serial Number: HJM WV954T7, IMEI: 351655953772684 and the said mobile has been produced before the trial Court and it was returned to the custody of the respondent police. Therefore, the petitioner filed a petition before the trial Court to return the mobile phone. However, the said petition was dismissed on the ground that the investigation is still pending and the material objects are yet to be marked.



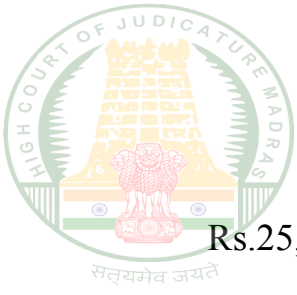
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3. Heard the learned counsel appearing on either side and perused the materials available on record.

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 phone to this case.

5. In view of the above discussions, this Court is inclined to return the alleged mobile to the petitioner and accordingly, the order dated 02.04.2025 passed in Crl.M.P.No.1461 of 2025 in Cr.No.63of 2025 on the file of the Inspector of Police H3 – Tondiarpet Police Station, Chennai, is hereby set aside. The respondent is directed to return the mobile phone bearing model : iPhone 16 Pro Max, Serial Number: HJMWV954T7, IMEI: 351655953772684 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the

Principal Special Court under EC & NDPS Act, Chennai, to the credit of
Crime No.63 of 2025 pending on the file of the respondent police.

(ii) the petitioner shall produce the mobile phone before the Court
and before the respondent police as and when required;

(iii) If any of the conditions are violated, this order automatically
stands cancelled.

6. Accordingly, the Criminal Revision Case stands allowed.

26.06.2025

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



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WEB COPY To
1. The Principal Special Judge under EC & NDPS Act, Chennai.

2. The Inspector of Police,
H3- Tondiarpet Police Station,
Chennai.

3. The Public Prosecutor

High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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