



Crl.R.C.No. 1020 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

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

Crl.R.C.No. 1020 of 2025

Gokul

..... Petitioner

Vs

State Rep. by
The Inspector of Police,
Lawspet Police Station,
Puducherry District.
Crime No.187 of 2022

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated 19.10.2024 made in Crl.M.P.No.4008 of 2025 in Spl.S.C.No.28 of 2023 on the file of the learned III Additional Sessions Court (Special Court under NDPS Act), Puducherry and grant interim-custody of the I Phone 11 White Colour bearing IMEI No.357923215950975, by allowing this Criminal Revision Petition.

For Petitioner : Mr.C.Harish
For Respondent : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)

ORDER

This Criminal Revision Case has been filed challenging the order dated 19.10.2024 passed in Crl.M.P.No.4008 of 2025 in Spl.S.C.No.28 of 2023



Crl.R.C.No. 1020 of 2025

on the file of the learned III Additional Sessions Court (Special Court under NDPS Act), Puducherry, thereby dismissing the petition filed by the petitioner seeking return of his mobile phone, viz., I Phone 11 White Colour bearing IMEI No.357923215950975.

2. The petitioner is an accused in Crime No.187 of 2022, registered for the offences under Sections 20(b)(ii)(B), 8(c) & 77 of Narcotic Drugs and Psychotropic Substances Act, alleging that the petitioner was found in illegal possession of 1.117 kgs of Ganja. Pursuant to the registration of the FIR, the contraband along with the petitioner's mobile phone was seized and produced before the Trial Court. Subsequently, the petitioner was arrested and remanded to judicial custody and later released on bail. Thereafter, the petitioner filed an application seeking return of his mobile phone. However, the same was dismissed by the Trial Court on the ground that incriminating information was available in the mobile phone. According to the petitioner, the mobile phone, which is owned by the petitioner, is no way connected with the alleged offence.

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



Crl.R.C.No. 1020 of 2025

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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, production of the said mobile phone as a material object is not essential for the purpose of trial in this case.

5. In view of the above discussions, this Court is inclined to order return of the mobile phone to the petitioner. Accordingly, the order dated 19.10.2024 passed in Crl.M.P.No.4008 of 2025 in Spl.S.C.No.28 of 2023 on the file of the learned III Additional Sessions Court (Special Court under NDPS Act), Puducherry, is hereby set aside. The learned III Additional Sessions Court (Special Court under NDPS Act), Puducherry, is directed to return the petitioner's mobile phone, viz., I Phone 11 White Colour bearing IMEI No.357923215950975, forthwith on the following conditions:-

(i) the petitioner is directed to execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the concerned Court to the credit of Crime No.187 of 2022 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original invoice or bill



Crl.R.C.No. 1020 of 2025

of the phone with the concerned Court.

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(iii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iv) the petitioner shall not alienate and shall not make any alteration in the mobile.

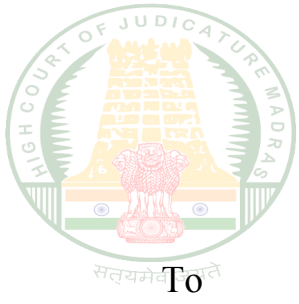
(v) the petitioner shall produce the mobile before the Court and before the respondent police as and when required;

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

6. Accordingly, the Criminal Revision Case stands allowed.

09.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.R.C.No. 1020 of 2025

To
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1. The III Additional Sessions Court (Special Court under NDPS Act),
Puducherry
2. The Inspector of Police,
Lawspet Police Station,
Puducherry District.
3. The Public Prosecutor (Puducherry),
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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Crl.R.C.No. 1020 of 2025

Lpp

Crl.R.C.No. 1020 of 2025

09.07.2025