



Crl.RC.No.989 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.07.2025

CORAM:

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

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Thirupathirajan (a) Deepakrajan
S/o. Nagarajan,
No.22/25, Kamatchi Nagar,
Sanitorium, Tambaram,
Chennai District.

...Petitioner

Vs.

State Represented by
The Inspector of Police,
M7 Manali Newtown Police Station,
Tiruvallur District.
Cr.No.469 of 2024

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records and set aside the order dated 17.12.2024 of the learned Judicial Magistrate – II, Ponneri, Thiruvallur in Crl.M.P.No.4352 of 2024 and to direct the respondent to return the mobile viz. I-Phone 15 to the petitioner in Cr.No.469 of 2024 pending on the file of the respondent.



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For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed set aside the order dated 17.12.2024 in Crl.M.P.No.4352 of 2024 on the file of the learned Judicial Magistrate – II, Ponneri, Thiruvallur and to direct the respondent to return the mobile viz. I-Phone 15 to the petitioner in Cr.No.469 of 2024 pending on the file of the respondent.

2. The case of the prosecution is that there was wordy quarrel between the petitioner and the defacto complainant's daughter who were husband and wife and the wife committed suicide. Hence the respondent registered FIR in Cr.No.469/2024 for the offences punishable under Section 194 BNSS, 2023. After registration of FIR the accused was arrested and remanded to judicial custody.

3. During the time of arrest, the respondent confiscated the petitioner's mobile phone bearing model : *iPhone 15* and the said mobile has



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been produced before the trial Court and thereafter it was sent to the custody of the respondent. 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.

4. The learned Government Advocate (Crl.side) would submit that the mobile phone has been sent to Forensic Laboratory to get the expert's opinion with regard to the call details. Therefore, the petition filed by the petitioner to return the mobile phone was rightly dismissed by the trial Court.

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

6. On perusal of the records it reveals that the mobile phone was seized from the petitioner and the same were deposited before the Trial Court and thereafter it is sent to the Forensic Laboratory for expert's opinion. The mobile phone owned by the petitioner has nothing to do with



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the crime as alleged by the prosecution. Therefore, the pendency of the investigation and production of material objects are not essential with respect to the mobile phone to this case.

7. In view of the above discussions, this Court is inclined to return the alleged mobile to the petitioner and accordingly, the order 17.12.2024 made in Crl.M.P.No.4352 of 2024 on the file of the learned Judicial Magistrate – II, Ponneri, Thiruvallur, is hereby set aside. The respondent is directed to return the mobile phone bearing model : *iPhone 15* to the petitioner forthwith, on the receipt of expert's opinion from the Forensic Laboratory, on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate – II, Ponneri, Thiruvallur, to the credit of Crime No.469 of 2024 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;



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

8. Accordingly, the Criminal Revision Case stands allowed.

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

1. The Judicial Magistrate – II, Ponneri, Thiruvallur

2. The Inspector of Police,
M7 Manali Newtown Police Station,
Tiruvallur District.

3. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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