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Crl.RC.No.971 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

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

Crl.RC.No.971 of 2025

Kaalesha Abdul Rahman
S/o. Abdul Rahman,
No.110, Dumingkuppam,
Mylapore,
Chennai District.

...Petitioner

Vs.

State Represented by
The Inspector of Police,
D-4 Zam Bazaar Police Station,
Chennai.
Cr.No.224 of 2025

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 447 of BNSS, 2023, to set aside the order dated 17.04.2025 made in Cr.M.P.No.1184 of 2025 on the file of the Principal Special Court under EC & NDPS Act Chennai and consequently return the vehicle to allow the above Criminal Revision Petition.

For Petitioner : Mr.R.Parthiban



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For Respondent : Mr.A.Gopinath

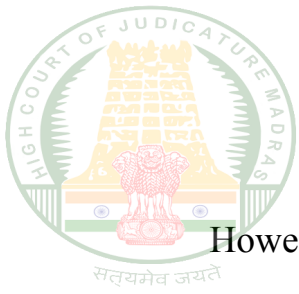
Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed to set aside the order dated 17.04.2025 made in Cr.M.P.No.1184 of 2025 on the file of the Principal Special Court under EC & NDPS Act Chennai.

2. The case of the prosecution is that on 24.12.2024 the petitioner along with other persons were found in possession of 30 Nos. of Nitravet Tablets, 20 Nos. of Nitrosun Tables and 500 Nos. of Tydol Tablets. Hence the respondent registered FIR in Cr.No.224/2024 for the offences punishable under Section 8(c) r/w. 22(b) and 29(1) of NDPS Act, 1985. After registration of FIR the accused were arrested and remanded to judicial custody.

3. During the time of arrest, the respondent confiscated the petitioner's mobile phone bearing model : *iPhone 15* (White Colour), and the said mobile has been produced before the trial Court. 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. Heard the learned counsel appearing on either side and perused the materials available on record.

5. 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.

6. In view of the above discussions, this Court is inclined to return the alleged mobile to the petitioner and accordingly, the order dated 17.04.2025 made in Cr.M.P.No.1184 of 2025 on the file of the Principal Special Court under EC & NDPS Act Chennai, is hereby set aside. The respondent is directed to return the mobile phone bearing model : iPhone 15 (white colour) to the petitioner, forthwith on the following conditions:-



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WEB COPY (i) the petitioner is directed to execute an own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the Principal Special Judge, EC & NDPS Court, Chennai, to the credit of Crime No.224 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;

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

7. Accordingly, the Criminal Revision Case stands allowed.

03.07.2025

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



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

2. The Inspector of Police,
D-4 Zam Bazaar Police Station,
Chennai.

3. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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