



Crl.R.C.No. 1082 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

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

Crl.R.C.No. 1082 of 2025

V.Anbu @ Anbazhagan

..... Petitioner

Vs

State, Rep by the Station House Officer,
Auroville Police Station,
Villupuram District.
Crime No.305 of 2023

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 (1) r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and set aside the order passed in Crl.M.P.No.111 of 2025 dated 11.03.2025 on the file of the District Munsif-cum-Judicial Magistrate, Vanur, in Crime No.305 of 2023 on the file of the respondent dated 29.08.2023 and direct the respondent to hand over the VIVO Cell Phone and allow this Criminal Revision Petition.

For Petitioner : Mr.G.Tamilselvan

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



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ORDER

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This Criminal Revision Case has been filed challenging the order dated 11.03.2025 passed in Crl.M.P.No.111 of 2025 on the file of the learned District Munsif-cum-Judicial Magistrate, Vanur, thereby dismissing the petition filed by the petitioner seeking return of his mobile phone, viz., VIVO Cell Phone.

2. The petitioner is an accused in Crime No.305 of 2023, registered for the offences under Sections 5, 7(1)(3) of Lottery Regulation Act 1998, alleging that the petitioner was engaged in selling banned Kerala State three-digit lottery slips. Pursuant to the registration of the FIR, the lottery tickets and the petitioner's mobile phone were seized and produced before the Trial Court. Subsequently, the petitioner was arrested and remanded to judicial custody. 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 the investigation is still pending and the material objects are required to be marked during trial.

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



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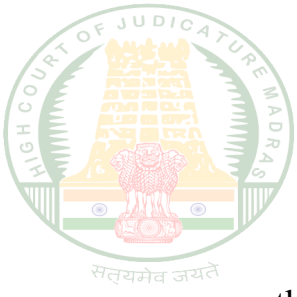
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4. A perusal of the records reveals that the lottery slips and the mobile phone were seized from the petitioner and the same were deposited before the Trial Court. The mobile phone owned by the petitioner has nothing to do with the alleged offence. 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 11.03.2025 passed in Crl.M.P.No.111 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Vanur, is hereby set aside. The learned District Munsif-cum-Judicial Magistrate, Vanur, is directed to return the petitioner's mobile phone, viz., VIVO Cell Phone, forthwith on the following conditions:-

(i) the petitioner is directed to execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.305 of 2023 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original invoice or bill of the phone with the concerned Magistrate.



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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.

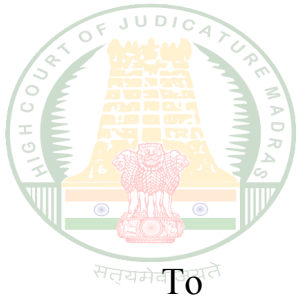
(v) the petitioner shall produce the mobile before the Court and before the respondent police as and when required;

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

6. Accordingly, the Criminal Revision Case stands allowed.

15.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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1. The District Munsif-cum-Judicial Magistrate,
Vanur.
2. The Station House Officer,
Auroville Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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