



Crl.R.C.No.992 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

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

Crl.R.C.No.992 of 2024

Sangeetha

..... Petitioner

Vs

State Rep.by the
The Inspector of Police,
H-1 Washermenpet Police Station,
Chengalpattu.
(Cr.No.661 of 2024)

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 r/w 442 of the BNSS, 2023 to call for the records relating to the order dated 26.02.2025 made in Crl.M.P.No.609 of 2025 in C.C.No.956 of 2024 in Crime No.661 of 2024 on the file of the court of Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and set aside the same and direct the respondent herein to return the Mobile Phone Samsung GalaxyA35-5G.

For Petitioner : Mr.S.Senthilvel
For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.side)



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ORDER

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2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondent police and perused the materials available on record.

3. The petitioner owned a Mobile Phone Samsung Galaxy A35-5G. While being so, the petitioner husband along with other accused persons committed offence under Section 8(C) r/w 20 (b)(ii) (B), 29(1) of NDPS Act for illegal possession of 2kgs of ganja 80 No's of Tapentadol. Therefore, they were arrested and registered FIR in Crime No.661 of 2024. In pursuant to the arrest and registration of FIR, the mobile phone owned by the petitioner was also seized by the respondent. The mobile phone is nowhere connected with the offence committed by the accused under Section 8(C) r/w 20 (b)(ii) (B), 29(1) of NDPS Act. That apart, the petitioner being the wife of the first accused owned the mobile phone.



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Without considering the facts and circumstances of the case, the trial court dismissed the petition for return of property.

4. It is the case of the petitioner that the mobile phone is nowhere connected with the offence alleged to have been committed under the NDPS Act. That apart, the petitioner being the wife of the first accused owned the mobile phone. Without considering the facts and circumstances of the case, the trial court dismissed the petition for return of property.

5. In view of the above, this Court is inclined to order the return of the mobile phone to the petitioner. Accordingly, the order 26.02.2025 passed in Crl.M.P.No.609 of 2025 on the file of the court of Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai is hereby set aside. The Special Judge, I Additional Special Court under EC and NDPS Act, Chennai, is directed to return the mobile phone viz., Samsung Galaxy A35-5G, to the petitioner, forthwith on the following conditions:-



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(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.661 of 2024 pending on the file of the respondent police.

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

(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.



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6. Accordingly, the Criminal Revision Case stands allowed.

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

Nhs

To

1. The Special Judge, I Additional Special Court
for Exclusive Trial of Cases under NDPS Act, Chennai
2. The Inspector of Police,
H-1 Washermenpet Police Station,
Chengalpattu.
3. The Public Prosecutor,
Madras High Court.



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G.K.ILANTHIRAIYAN, J.

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