



Crl.R.C.No. 1250 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM:

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

Crl.R.C.No. 1250 of 2025

Jabeer Sharief

.... Petitioner

Vs

State rep by
The Inspector of Police,
Bagayam Police Station
Crime No.429 of 2024

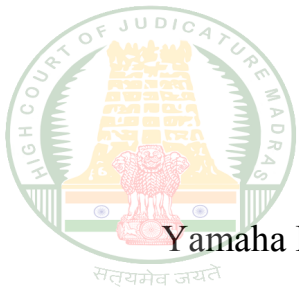
.... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records connected with the order dated 19.03.2025 in C.M.P.No.1025 of 2025 in Crime No.429 of 2024 on the file of the learned Judicial Magistrate No.I, Vellore and set aside the same as illegal.

For Petitioner : Mr.SN Malik Saleem
For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed challenging the order dated 19.03.2025 passed in CMP No.1025 of 2025 by the Judicial Magistrate No.1, Vellore, thereby dismissing the petition filed for return of the property, viz., a Mobile phone (VIVO Y22 in IMEI No.861123064364076) and a



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Yamaha R15 motorcycle bearing Registration No.TN-23-DD-8808.

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

3. The petitioner is arrayed as A1 in Crime No.429 of 2024 on the file of the respondent Police, registered for the offences punishable under Sections 118(1), 127(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023, Section 25(1)(a) of Arms Act, 1959 and Section 184 of Motor Vehicles Act, 1988, alleging that the petitioner, along with the other accused, attacked the defacto complainant and his friend by using weapons, threatened the general public and creating nuisance by using motor bikes. Pursuant to the registration of the FIR, the petitioner and the other accused filed a petition for mandatory bail before the Judicial Magistrate No.I, Vellore in Crl.M.P.No.13164 of 2024 and the same was granted on 25.11.2024. The respondent also seized the petitioner's mobile phone and two-wheeler and produced the same before the Trial Court. Therefore, the petitioner filed a petition seeking return of the property. However, the same was dismissed on the ground that the investigation is still pending.

4. Heard the learned counsel appearing on either side and perused



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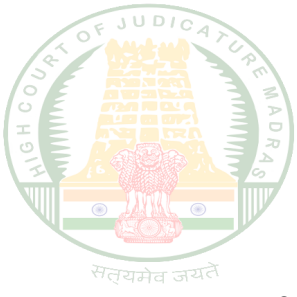
the materials available on record.

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5. A perusal of the records reveals that the two-wheeler and the mobile phone were seized from the petitioner and the same were deposited before the Trial Court. The said mobile phone and two-wheeler owned by the petitioner have nothing to do with the alleged offence. Therefore, the pendency of the investigation is not a valid ground to retain the mobile phone and the two-wheeler in this case.

6. In view of the above, this Court is inclined to order the return of the two-wheeler and the mobile phone to the petitioner. Accordingly, the order dated 19.03.2025 passed in CMP No.1025 of 2025 by the Judicial Magistrate No.1, Vellore, is hereby set aside. The Judicial Magistrate No.I, Vellore, is directed to return the mobile phone viz., VIVO Y22 (IMEI No.861123064364076) and the two-wheeler viz., Yamaha R15 bearing Registration No.TN-23-DD-8808, to the petitioner, forthwith on the following conditions:-

(i) the petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.429 of 2024 pending on the file of the respondent police.



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(ii) the petitioner shall deposit the original invoice or bill of the phone and the original registration certificate of the two-wheeler before the concerned Magistrate.

(iii) the seized items 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 and the two-wheeler.

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

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

7. Accordingly, the Criminal Revision Case stands allowed.

30.07.2025

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

1. The Judicial Magistrate No.I,
Vellore.

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2. The Inspector of Police,
Bagayam Police Station,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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