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Crl.R.C.No.1530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1530 of 2023

Malavika

... Petitioner

..vs..

State rep.by

The Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai, Crime No.341 of 2022.

... Respondent

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order passed in Crl.M.P.No.41358 of 2022 dated 27.01.2023 on the file of the V Metropolitan Magistrate, Egmore, Chennai and direct the respondent to return the cell phone OnePlus Nord CE 2 which was seized in connection with Crime No.341 of 2022 pending on the file of the respondent.

For Petitioner : Mr.D.Jaisankar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



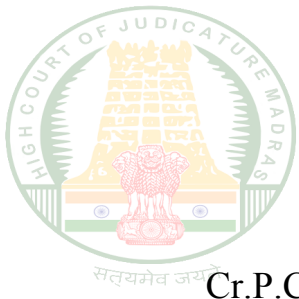
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ORDER

This Criminal Revision Petition is filed to set aside the order dated 27.01.2023 made in Crl.M.P.No.41358 of 2022 on the file of the V Metropolitan Magistrate, Egmore, Chennai and to direct the respondent to return the cell phone viz., OnePlus Nord CE 2, which was seized in connection with Crime No.341 of 2022, pending on the file of the respondent.

2. The case of the prosecution is that, on 25.10.2022 the petitioner's brother Surya way-laid the *de-facto* complainant and threatened him with knife and also attacked him with hands. Hence, the respondent-Police registered a case in Crime No.341 of 2022 against the said Surya for the offences punishable under Sections 341, 294(b), 323 and 506(ii) IPC and also arrested the accused. At the time of arresting the accused, the respondent-Police seized the mobile OnePlus Nord CE 2, which belongs to the petitioner. During investigation, the said mobile was produced before the Court as a case property. Hence, the petitioner filed a petition in Crl.M.P.No.41358 of 2022 invoking Sections 451 read with 457



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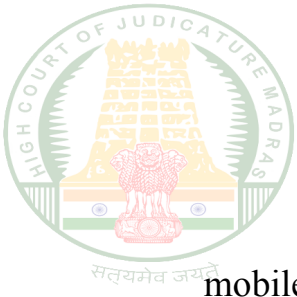
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Cr.P.C., praying for interim custody of the subject property. The learned Magistrate, *vide* order dated 27.01.2023 dismissed the petition. Challenging the said order, the present revision petition is filed by the petitioner.

3. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that if the subject mobile is handed over to the petitioner, there are several chances of committing the same type of offences and there is also a possibility of erasing the communications in the mobile and also tempering with the material evidence. He further submitted that the investigation is over and charge-sheet has also been filed and the case is taken on file in C.C.No.5500 of 2023 on the file of the V Metropolitan Magistrate, Egmore, Chennai and summons were served on the parties for commencement of trial.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances and also considering the above submissions, this Court is of the view that the case property



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mobile phone is being utilised for commission of the said offences and hence, at this stage, it is not advisable to order for interim custody of the subject mobile. Therefore, this Court does not find any reason to interfere with the impugned order passed by the Court below and hence, this Criminal Revision Petition is liable to be dismissed.

6. With the above observations and directions, this Criminal Revision Petition is dismissed.

12.03.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai.



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P.VELMURUGAN, J.

ms

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