



Crl.R.C.No. 1134 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2025

CORAM:

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

Crl.R.C.No. 1134 of 2025

C.Balachandran

..... Petitioner

Vs

State Rep. by
The Inspector of Police,
D2 Anna Salai Police Station,
Chennai – 600 002.

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order passed by the learned Principal Special Judge under EC & NDPS Act, Chennai in Crl.M.P.No.2312 of 2025 dated 20.05.2025 and consequently, direct the respondent police to return the Samsung S24 Ultra 5G (Yellow Colour) mobile phone bearing IMEI No.352722662799348 to the petitioner.

For Petitioner : Mr.S.Joel

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

ORDER

This Criminal Revision Case has been filed challenging the order dated 20.05.2025 passed in Crl.M.P.No.2312 of 2025 by the Principal Special



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Judge under EC & NDPS Act, Chennai, thereby dismissing the petition filed by

the petitioner seeking return of his mobile phone, viz., Samsung S24 Ultra 5G (Yellow Colour) mobile phone bearing IMEI No.352722662799348.

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

3. The petitioner is arrayed as A3 in Crime No.118 of 2025 on the file of the respondent Police registered for the offences punishable under Section 8(c) r/w 20(b)(ii)(A), 22(b), 25, 29(1) of the NDPS Act, 1985, alleging that the petitioner, along with other accused, was found to be in illegal possession of 269 grams of ganja, 5 grams of OG ganja, 4 Nos of MDMA Tablets weighing 2 grams, 32 grams of Methamphetamine, 15 grams of cocaine and 7 grams of Heroin. Pursuant to the registration of the FIR, the respondent seized the petitioner's mobile phone and produced the same before the Trial Court. Therefore, the petitioner filed a petition seeking return of the property. 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.



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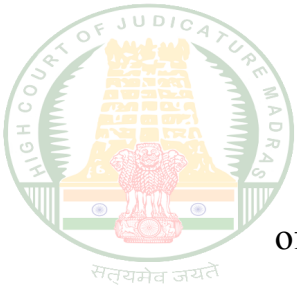
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4. A perusal of the records reveals that the contraband and the mobile phone were seized from the petitioner and the same were deposited before the Trial Court. The mobile phone owned by the petitioner has nothing to do with the alleged offence. Therefore, 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, this Court is inclined to order the return of the mobile phone to the petitioner. Accordingly, the dated 20.05.2025 passed in Crl.M.P.No.2312 of 2025 by the Principal Special Judge under EC & NDPS Act, Chennai, is hereby set aside. The order dated 20.05.2025 passed in Crl.M.P.No.2312 of 2025 by the Principal Special Judge under EC & NDPS Act, Chennai, is directed to return the mobile phone viz., Samsung S24 Ultra 5G (Yellow Colour) mobile phone bearing IMEI No.352722662799348, to the petitioner, 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.118 of 2025 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original invoice or bill



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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.

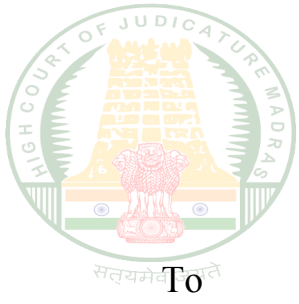
(v) the petitioner shall produce the mobile before the Court and before the respondent police as and when required;

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

6. Accordingly, the Criminal Revision Case stands allowed.

21.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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1. The Principal Special Judge under EC & NDPS Act,
Chennai.
2. The Inspector of Police,
D2 Anna Salai Police Station,
Chennai – 600 002.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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