



Crl.R.C.No.1382 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2025

CORAM:

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

Crl.R.C.No. 1382 of 2025

Bhavani

..... Petitioner

Vs

The State rep by
The Inspector of Police,
R11 Ramapuram Police Station
Crime No.632 of 2024

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 & 401 of Cr.P.C., & 438 & 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.1389 of 2025 on the file of the Principal Special Court under EC & NDPS Act, Chennai and allow the present Revision.

For Petitioner : Mr.R.Thamarai Selvan

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

ORDER

This Criminal Revision Case has been preferred challenging the order dated 03.04.2025 passed in Crl.M.P.No.1389 of 2025 on the file of Principal Special Court under EC and NDPS Act, Chennai, thereby dismissing the



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petition filed for return of the mobile phone, viz., I Phone 13 owned by the

WEB petitioner.

2. The petitioner is not an accused in Crime No.632 of 2024. In pursuant to the registration of FIR for the offences under Sections 8(c) r/w 20(b)(ii)(B) & 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 and under Sections 121, 351(2) of BNSS Act, 2023 and Section 77 of Juvenile Justice Act, alleging that the petitioner's son was found in possession of 1 Kg and 100 gms of ganja along with other accused, the contraband and the mobile phone owned by the petitioner were seized and the same were deposited before the Trial Court. Thereafter, the petitioner filed an application seeking return of her mobile phone. However, the same was dismissed on the ground that the investigation is still pending and the material objects are yet to be marked.

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

4. A perusal of the records reveals that the contraband and the mobile phone were seized from the petitioner's son and the same were deposited before the Trial Court. The mobile phone owned by the petitioner



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has nothing to do with the alleged offence. Therefore, the pendency of the

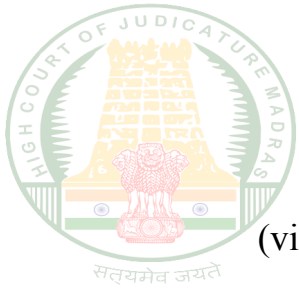
investigation and production of material objects are not essential with respect to the mobile phone to this case.

5. In view of the above discussions, this Court is inclined to return the mobile phone to the petitioner and accordingly, the order dated 03.04.2025 passed in Crl.M.P.No.1389 of 2025 on the file of the Principal Special Judge under Exclusive Trial of Cases under NDPS Act, Chennai, is hereby set aside. The learned Principal Special Judge under Exclusive Trial of Cases under NDPS Act, Chennai, is directed to return the mobile phone, viz., I Phone 13 in IMEI ID.355623122126253, IMEI2;355623122019342 to the petitioner forthwith on the following conditions:-

(i) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.632 of 2024 pending on the file of the respondent police.

(ii) 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.

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



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

WEB ~~COM~~ cancelled.

7. Accordingly, the Criminal Revision Case stands allowed.

12.08.2025

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



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G.K.ILANTHIRAIYAN, J.

ssd

WEB COPY

To

1. The Principal Special Court for Exclusive Trial of Cases under NDPS Act,
Chennai,

2. The Inspector of Police,
R11 Ramapuram Police Station
Crime No.632 of 2024

3. The Public Prosecutor,
High Court, Madras.

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