



Crl.R.C.No.1534 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM

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

Crl.R.C.No.1534 of 2025

Lokanath

... Revision Petitioner

Vs

The State rep by,
The Inspector of Police,
K1,Sembiam Police Station,
Chennai
(Crime No.198 of 2025)

...Respondents

PRAYER : Criminal Revision has been filed under Section 438 r/w 442 of BNSS, 2023, praying to set aside the order passed by the Principal Special Court under EC and NDPS Act, Chennai in Crl.MP.No.4495/2025 by an order dated 08.08.2025.

For Petitioner : Mr.J.Samiullah

For Respondent : Mr.A.Gopinath
Government Advocate (crl.side)



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ORDER

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This Criminal Revision has been filed challenging the order passed in Crl.MP.No.4495 of 2025 dated 08.08.2025 on the file of the Principal Special Court under EC and NDPS Act, Chennai, thereby dismissed the petition filed seeking interim custody of mobile phone-I phone 16 promax.

2. The petitioner is the owner of a mobile phone-I phone 16 promax (Black). The case of the prosecution is that based on the secret information, the respondent went to the scene of occurrence and found that the petitioner along with other accused were found to be in illegal possession of 8.27 grams of Methamphetamine. Hence, the respondent registered a FIR in Crime No.198 of 2025 for the offence punishable under Sections 8(c) r/w 22(b), 25 and 29(1) of the NDPS Act, 1985. Pursuant to the registration of FIR, the respondent seized the mobile phone of the petitioner and produced before the court concerned. Therefore, the petitioner, being the owner of the property seized, filed a petition seeking return of property. However, without considering the above facts and circumstances, the said petition was dismissed. Aggrieved by the said order, this Criminal Revision Case has been filed.



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

4. On perusal of the records, it is revealed that the seized mobile phone is nothing to do with the crime committed by the petitioner. The learned counsel for the petitioner requested that the property may be returned to the petitioner on any condition imposed by this Court. Considering his request, this Court is inclined to return the property to the petitioner and accordingly, the impugned order passed in Crl.MP.No.4495 of 2025 dated 08.08.2025 on the file of the Principal Special Court under EC and NDPS Act, Chennai is hereby set aside. The learned Principal Special Judge under EC and NDPS Act, Chennai is directed to return the mobile phone-I phone 16 promax to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own 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. 198 of 2025 pending on the file of the respondent police.



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(ii) the petitioner shall deposit the original bill of the mobile 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 phone.

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

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

7. Accordingly, the Criminal Revision Case stands allowed.

22.08.2025

Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No

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To

1. The Principal Special Judge under EC and NDPS Act, Chennai
2. The Inspector of Police,
K1, Sembiam Police Station,
Chennai
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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