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CRL RC NO. 1630 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04-09-2025**

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC NO. 1630 of 2025

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Petitioner(s)

Vs

The State of Tamil Nadu,
Represented by the Inspector of Police,
J4, Kotturpuram Police Station,
Chennai.
(Crime No.173 of 2025)

Respondent(s)

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 relating to the order dated 11.08.2025 made in CrI.M.P.No.5267 of 2025 in Crime NO.173 of 2025, on the file of the Principal Special Judge under NDPS & EC Act. Chennai and set aside the same and direct the respondent herein to return the mobile phones apple Iphone 14 pro Max, Purple colour having IMEI No.1:351651524044460, IMEI No.1: 353154434615041, IMEI No.2: 357624484615048 and the petitioner's passport in No.V5570036.

For Petitioner : Mr.K.Kathiresan

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This Criminal Revision Case has been filed challenging the order dated 11.08.2025 passed in CrI.M.P.No.5267 of 2025 on the file of the Principal Special Court under NDPS and EC Act, Chennai, thereby dismissing the petition filed by the petitioner seeking return of his mobile phone, viz., iPhone 14 Pro Max, Samsung Galaxy M35 5G and Passport.

2. The petitioner is an accused in Crime No.173 of 2025, registered for the offences under Sections 8(c) r/w 20(b)(ii)(B), 25, 29(1) of the NDPS Act, alleging that the petitioner had possessed 1.200 kgs of ganja. Pursuant to the registration of the FIR, the contraband and the petitioner's mobile phone were seized and produced before the Trial Court. Subsequently, the petitioner was arrested and remanded to judicial custody. Thereafter, the petitioner filed an application seeking return of his mobile phone. 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.

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



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4. A perusal of the records reveals that the Ganja 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 discussions, this Court is inclined to order the return of the mobile phone and passport to the petitioner. Accordingly, the order dated 11.08.2025 passed in CrI.M.P.No.5267 of 2025 on the file of the Principal Special Judge under NDPS and EC Act, Chennai, is hereby set aside. The learned the Principal Special Judge under NDPS and EC Act, Chennai, is directed to return the petitioner's mobile phone, viz., iPhone 14 Pro Max, Samsung Galaxy M35 5G and Passport forthwith subject to 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.173 of 2025 pending on the file of the respondent police.

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

04.09.2025

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

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1. The Principal Special Judge under NDPS and EC Act, Chennai.
2. The Public Prosecutor, High Court of Madras.



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T.V.THAMILSELVI, J.
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