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CRL RC No. 2265 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2265 of 2025

Abin

Address-Areechira house, Memuri PO,
Kottayam District, Kerala-68661.

Petitioner(s)

Vs

State rep.by,
Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai.
Cr.No.398 of 2024.

Respondent(s)

PRAYER: This Criminal Revision Case has been filed under Section 438 read with 442 of BNSS, to call for the records pertaining to the order dated 03.04.2025 in CrI.MP.No.1527 of 2025 on the file of the Principal Special Court under EC and NDPS Act, Chennai and set aside the same.

For Petitioner(s): M/s.K. Karthikeyan

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

ORDER

This Criminal Revision case has been filed challenging the order dated 03.04.2025 passed in CrI.M.P.No.1527 of 2025 on the file of the Principal



Special Court under EC and NDPS Act, Chennai, dismissing the petition filed by the petitioner for return of mobile phone viz., one plus 10R mobile.

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2. The learned counsel for the petitioner submitted that the mobile phone belonging to the petitioner was seized in the investigation of Cr.No.398 of 2024 dated 18.12.2024, for the alleged offence under Sections 8(c), r/w 22(b) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, alleging that the petitioner had illegal possession of 6 grams of Methamphetamine and 10 nos of Ecstasy (MDMA) Tablets weighed 5 grams. Pursuant to which, the seizure of contraband and petitioner's mobile phone were produced before the Trial Court. Thereafter, the petitioner has filed petition for return of mobile phone under Section 497 of BNSS, 2023, which was dismissed by the Trial Court vide order dated 03.04.2025. Aggrieved by the same, the petitioner has filed the present petition, seeking return of property viz., mobile phone.

3. The learned counsel for the petitioner submitted that admittedly, the petitioner is the owner of the aforesaid property and to that effect, he has also produced the bill. In view of the seizure of the mobile phone, the petitioner is facing grave hardship. It is also submitted that, a final report has been filed by the respondent police.

4. Heard the learned counsel appearing on either side and perused the



materials available on record.

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5. A perusal of the records reveals that the contraband and the mobile phone were seized from the petitioner and the same were produced 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.

6. In view of the above discussions, this Court is inclined to order the return of the mobile phone to the petitioner. Accordingly, the order dated 03.04.2025 passed in CrI.M.P.No.1527 of 2025 on the file of the learned Principal Special Court under EC and NDPS Act, Chennai, is hereby set aside. The learned Principal Special Court under EC and NDPS Act, Chennai, is directed to return the petitioner's mobile phone, viz., one plus 10R mobile forthwith subject to the following conditions:-

(i) the petitioner is directed to execute a personal 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.398 of 2024 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.

(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.

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(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.

7. Accordingly, the Criminal Revision Case stands allowed.

06-11-2025

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CRL RC No. 2265 of 2025



To

- 1.State rep.by, Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai. Cr.No.398 of 2024.
2. The Learned Principal Special Court under EC and NDPS Act,
Chennai.
3. The Public Prosecutor,
Madras High Court, Chennai.



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T.V.THAMILSELVI J.
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**CRL RC No. 2265 of
2025**



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CRL RC No. 2265 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2265 of 2025

1. ABIN

S/O.PRECIOUS MATHEW, Address-
Areechira house, Memuri PO,
Kottayam District, Kerala-68661.

Petitioner(s)

Vs

1. State rep.by, Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai. Cr.No.398 of 2024.

Respondent(s)

CRL RC No. 2265 of 2025

PRAYER

To call for the records pertaining to the order dated 03.04.2025 in
Crl.MP.No.1527 of 2025 on the file of the Principal Special Court under EC and
NDPS Act, Chennai and set aside the same.

CRL RC No. 2265 of 2025

For Petitioner(s): M/s.K. Karthikeyan
S.M.Raghuram
P.Surenderan
S.Prasath

For Respondent(s): Dr.C.E.Pratap



ORDER

This matter is taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for petitioner.

2. The learned counsel appearing for petitioner submitted that earlier, this Court, by an order dated 06.11. 2025 allowed the above Crl.R.C which is filed for return of mobile phone. However, inadvertently it has been mentioned as mobile instead of Mobile Phone IQ00 13 5 G white colour. Hence, he prayed to modify the same and issue fresh order copy to the petitioner.

3. Considering the above submission, Registry is directed to substitute the term Mobile Phone IQ00 13 5 G white colour instead of mobile, wherever the term mobile appears in the order dated 06.11.2025.

4. Registry is directed to incorporate above correction and issue fresh order copy to the petitioner. All other observation made in the order dated 06.11.2025 remains intact.

26-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



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1.State rep.by, Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai. Cr.No.398 of 2024.



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CRL RC No. 2265 of 2025



T.V.THAMILSELVI, J.
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2025**

26-11-2025



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