



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1830 of 2025

Jagadeeswaran
S/o.Hari Baskar,
No.37/16, Seshachalam Street,
Saidapet, Chennai-600 015

Petitioner(s)

Vs

State rep by the Inspector of police
Inspector of Police, C1 Flower Bazaar
Police Station, Avadi City
Cr.No.47 of 2024

Respondent(s)

PRAYER

To set aside the order dated 01.07.2025 made in CrI.M.P.No.3366 of 2025 on the file of the I Additional Special Court under EC and NDPS Act, Chenani and allow the above Criminal Revision

For Petitioner(s): Mr. S.Kasirajan

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)



ORDER

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2. The petitioner is arrayed as a third party and not arrayed as an accused as on date. Pursuant to the registration of the FIR, the respondent seized the petitioner's mobile phone. Therefore, the petitioner filed a petition seeking return of the property stating that he is owner of the Apple I Phone 14 128 GB Red colour and the same is required for his college study as well as online project. However, the same was dismissed on the ground that the mobile phone would generally have digital evidence and would be of immense use of proving the guilt.

3. The learned Government Advocate (Crl.Side) appearing for respondent raised strong objections for return of mobile phone.

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



5. A perusal of the records reveals that the mobile phone was seized by the respondent police from the petitioner and the same was deposited before the Trial Court. On seeing the facts, the petitioner is a third party and not arrayed as accused as on date. The said mobile phone owned by the petitioner have nothing to do with the alleged offence. Therefore, the possession of mobile phone would be a digital evidence and would prove the guilt is not a valid ground to retain the mobile phone in this case.

6. In view of the above, this Court is inclined to order the return of the the mobile phone Apple I Phone 14 128 GB Red Colour to the petitioner. Accordingly, the order dated 01.07.2025 passed in Crl.M.P. No.3366 of 2025 by the I Addl. Special Court under EC and NDPS Act, Chennai is hereby set aside. The I Addl. Special Court under EC and NDPS Act, Chennai is directed to return the mobile phone viz., Apple I Phone 14 128 GB Red Colour to the petitioner, forthwith on the following conditions:-

(i) the petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.47 of 2024 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original invoice or bill of the phone before the concerned Magistrate.



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(iii) the seized items 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 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.

25-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, I Addl. Special Court under EC and NDPS Act, Chennai
2. The Inspector of Police, R-9 Valasaravakkam Police Station, Chennai.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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