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Crl.RC.No.1116 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1116 of 2025

Prabakaran
S/o. Mariyappan,
No.42/1, Nataesandar Street,
Ayyampalayam,
Tiruvannamalai District.

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
West Police Station,
Tiruvannamalai.
Cr.No.175/ 2024

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records in Cr.M.P.No.1714 of 2024 dated 09.11.2024 on the file of the Judicial Magistrate No: II at Tiruvannamalai and set aside the same.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)



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ORDER

WEB COPY This Criminal Revision has been filed challenging the order passed by the learned Judicial Magistrate No: II at Tiruvannamalai in Cr.M.P.No.1714 of 2024 dated 09.11.2024, thereby dismissing the petition for return of property.

2. The case of the prosecution is that the petitioner owned the mobile phone namely VIVO Y73 – Light Blue, and he attempted to promote disharmony between the groups by forwarding WhatsApp messages. In pursuant to the same, the respondent registered FIR in Cr.No.175/2024 for the offences punishable under Section 153A(1)(a) & 505(1)(b) IPC. After registration of FIR the said mobile phone was seized from the petitioner. Therefore, the petitioner filed a petition before the trial Court to return the mobile phone. However, the said petition was dismissed.

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



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4. On perusal of the records it reveals that the mobile phone was seized from the petitioner and the same was deposited before the Trial Court. Considering the circumstances of this case, this Court feels that mere keeping the mobile phone under the custody of the trial Court would not serve any purpose.

5. In view of the above discussions, this Court is inclined to return the alleged mobile to the petitioner and accordingly, the order dated 09.11.2024 made in Cr.M.P.No.1714 of 2024 on the file of the learned Judicial Magistrate No: II at Tiruvannamalai, is hereby set aside. The respondent is directed to return the mobile phone bearing model : VIVO Y73 – Light Blue 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 learned Judicial Magistrate No: II at Tiruvannamalai, to the credit of Cr.No.175/2024 pending on the file of the respondent police.



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(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.

(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.

18.07.2025

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



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WEB COPY To
1. The Judicial Magistrate No: II at Tiruvannamalai.

2. The Inspector of Police,
West Police Station,
Tiruvannamalai.

3. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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