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CRL RC No. 1816 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1816 of 2025

Vijay

S/o.Rajendran, Mariamman Koil Street,
Thirumangalam Village, Sriperumbatur
Taluk, Kancheepuram District

Petitioner(s)

Vs

State rep by the Inspector of Police
C2-Sunguvarchatram Police Station,
Kancheepuram District Cr.No.183 of
2025

Respondent(s)

PRAYER

To set aside the order made in Crl.M.P.No.5454 of 2025 passed by the Learned Principal Special Judge under EC and NDSP Act, Chennai dated 09.09.2025

For Petitioner(s): Mr. P.Narayana Prasadh

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

**ORDER**

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This Criminal Revision Case has been filed challenging the order dated 09.09.2025 passed in Crl.M.P No.5454 of 2025 by the Principal Special Judge under EC and NDPS Act, Chennai, thereby dismissing the petition filed for return of the Vivo Mobile Y 56 phone, which was seized by the respondent police.

2. The petitioner is arrayed as a A3 in the case in Crime No.183 of 2025 registered for the offences punishable under Sections 18(c) r/w 20(b)(ii)(B) and 29(1) of NDPS Act. 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 Vivo Mobile Y56 phone and since he is a daily wage worker, it is difficult for him to attend his work without any proper communication. However, the same was dismissed on the ground that the mobile phone would be a vital piece of evidence.

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 arrayed as A3 in Crime No.183 of 2025. 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 vital piece of evidence 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 Vivo Mobile Y 56 phone to the petitioner. Accordingly, the order dated 09.09.2025 passed in Crl.M.P. No.5454 of 2025 by the Principal Special Court under EC and NDPS Act, Chennai is hereby set aside. The Principal Special Court under EC and NDPS Act, Chennai is directed to return the mobile phone viz., Vivo Mobile Y 56 Phone 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.183 of 2025 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

rpp

To

1. Principal Special Court under EC and NDPS Act, Chennai

2. The Inspector of Police, C-2 unguvachatram Police Station, Kancheepuram

Dt..

3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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