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Crl.R.C.No.2233 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.2233 of 2023

P.Saravanan

... Petitioner

..VS..

State Rep.by
Inspector of Police,
PEW Guduvancherry Police Station,
Crime No.241 of 2023.

... Respondent

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C.,
to set aside the order in Crl.M.P.No.7105 of 2023 dated 02.12.2023 on
the file of the Principal Special Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.A.Arul Alex

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed to set aside the order dated
02.12.2023 made in Crl.M.P.No.7105 of 2023 on the file of the Principal
Special Court under EC & NDPS Act, Chennai.



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2. The petitioner-A1 along with A2 were arrested for having illegal possession of 3.750 kgs of Ganja and remanded to judicial custody on 25.07.2023 for the alleged offences punishable under Sections 8(c) read with 20(b)(ii)(B) and 29(1) of NDPS Act in Crime No.241 of 2023 on the file of the respondent-Police. At the time of their arrest, the respondent-Police seized the contraband and also seized mobile VIVO-Y75 Model 8 GB/128 GB phone from the petitioner and the same were produced before the Court below. Pending investigation, the petitioner filed a petition in Crl.M.P.No.7105 of 2023 by invoking Sections 451 read with 457 Cr.P.C., seeking to return the said mobile phone. The learned Special Judge, *vide* order dated 02.12.2023 dismissed the petition by holding that since the said mobile phone may be required by the prosecution for adducing additional evidence at any point of time. Challenging the said order, the present revision petition is filed by the petitioner.

3. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that the petitioner is arrayed as A1 in Crime No.241 of 2023 and at the time of arrest the respondent-Police seized the



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contraband and mobile phone. If the said mobile phone is returned to the petitioner, he may use the mobile in similar nature of offence. She further submitted that the investigation is not yet completed, since the samples were sent to Lab for chemical analysis and awaiting for FSL report. Hence, she strongly objects to return the property to the petitioner.

4. Heard both sides and perused the materials available on record.

5. Taking note of the above submissions, this Court finds that investigation is pending and charge sheet is not yet filed. Pending investigation it is not advisable to order for interim custody of the subject matter of the property. Therefore, this Court does not find any reason to interfere with the order passed by the Court below and hence, this Criminal Revision Petition is liable to be dismissed. However, the petitioner is at liberty to approach the trial Court in the manner known to law after filing charge-sheet, if he aggrieved on the same.



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6. With the above directions, this Criminal Revision Petition is dismissed.

12.03.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To

1. The Principal Special Judge,
Principal Special Court under EC & NDPS Act,
Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
PEW Guduvancherry Police Station.



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P.VELMURUGAN, J.

ms

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