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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

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**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

Crl.R.C.No.2231 of 2025

Devaraj

... Petitioner

Vs.

The State represented by  
Inspector of Police,  
V7 Nolambur Police Station,  
Chennai  
( Crime No.79 of 2025)

... Respondent

**PRAYER :** This petition is filed under Section 438 r/w 442 of BNSS Act to set aside the order dated 29.09.2025 made in Crl.M.P.No.5548 of 2025 on the file of the Principal Special Court under EC and NDPS Act, Chennai and pass orders.

For Petitioner : Mr.S. Kasirajan

For Respondent : Dr.C.E. Pratap, Government Advocate

### **ORDER**

This Criminal Revision Case has been filed challenging the order dated 29.09.2025 made in Crl.M.P.No.5548 of 2025 on the file of the Principal Special Court under EC and NDPS Act, Chennai, thereby dismissing the petition filed for return of the Mobile phone, which was seized by the respondent police.

2. The petitioner is arrayed as a A3 in the case in Crime No.79 of 2025 registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B),22(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 mobile phone. 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.79 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 Mobile phone to the petitioner. Accordingly, the order dated 29.09.2025 passed in Crl.M.P. No.5548 of 2025 by the Principal Special Court under EC and NDPS Act, Chennai is hereby set aside. Principal Special Court under EC and NDPS Act, Chennai is directed to return the mobile Phone to the petitioner, forthwith on the following conditions:-

(i) the petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.79 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.

(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.

**04.11.2025**

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

The Principal Special Court under EC and NDPS Act, Chennai



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**T.V.THAMILSELVI, J.**

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