



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.2107 of 2025

T.Mumthaj

...Petitioner

Versus

The State Rep. by
The Inspector of Police,
D-3, Ice House Police Station,
Chennai.
Crime No.286/2025.

...Respondent

This Criminal Revision Case is filed under Sections 438 r/w. 442 of BNSS, 2023 praying to set aside the order passed by the II Metropolitan Magistrate Court, Egmore, Chennai in Crl.M.P.No.12050 of 2025 dated 18.09.2025 and return the I Phone 15, 128 GB Blue Colour seized in Crime No.286/2025 on the file of respondent.

For Petitioner : Mr.S.Kartik

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



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ORDER

This Civil Revision Case has been filed by the petitioner seeking to set aside the order dated 18.09.2025 in Crl.M.P.No.12050 of 2025 passed by the learned II Metropolitan Magistrate, Egmore, Chennai and return the I Phone 15, 128 GB Blue Colour seized in Crime No.286 of 2025 on the file of respondent Police.

2. The petitioner is the owner of I Phone 15, 128 GB Blue Colour which was purchased by her in the year 2024. On 07.07.2025, the said phone was seized by the respondent Police in connection with the case in Crime No.286 of 2025 registered for the offences under Sections 191(2), 191(3), 126(2), 296(b), 109(1), 351(3) of BNSS, 2023 r/w. Section 4 of the Tamil Nadu Prohibition of Women Act, 2002 and the same is under the custody of respondent Police till date. Therefore, the petitioner filed a petition in Crl.M.P.No.12050 of 2025 before the II Metropolitan Magistrate Court, Egmore, Chennai seeking to order delivery and possession of her I Phone 15, 128 GB Blue Colour which was seized by the respondent Police in connection with the case in Crime No.286 of 2025. However, the learned



II Metropolitan Magistrate, Egmore, Chennai vide Order dated 18.09.2025, dismissed Crl.M.P.No.12050 of 2025 filed by the petitioner on the ground that the investigation of the case is still pending and if the said phone is handed over to the petitioner, the petitioner would indulge in the same sort of criminal offences. Hence, the petitioner has filed the present Civil Revision Case for the relief stated *supra*.

3. Heard the learned counsel for petitioner as well as the learned Government Advocate (Crl.Side) appearing for respondent Police.

4. As far as this case is concerned, the petitioner is a third party and she is not the accused in Crime No.286 of 2025 on the file of respondent Police. The petitioner has bought the aforesaid I Phone in EMI and still 5 EMI's are pending. There is no role played by the I Phone which was seized by the respondent Police. Therefore, handing over the I Phone to the petitioner would not amount to any prejudice.



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5. In view of the above facts and circumstances of the case, this Court is inclined to set aside the order of Court below and to order the return of I Phone 15, 128 GB Blue Colour to petitioner. Accordingly, the order dated 18.09.2025 in CrI.M.P.No.12050 of 2025 passed by the learned II Metropolitan Magistrate, Egmore, Chennai is set aside and the respondent Police is directed to return the petitioner's I Phone 15, 128 GB Blue Colour to the petitioner subject to 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 learned Magistrate to the credit of Crime No.286 of 2025 pending on the file of respondent Police.

(ii) The petitioner shall deposit the original invoice or bill of the phone which is under the custody of respondent Police.

(iii) The seized phone should be photographed at the cost of petitioner and a list has to be prepared and the same has to be signed by the petitioner.

(iv) The petitioner shall not alienate and shall not make any alteration



in the said phone.

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(v) The petitioner shall produce the phone before the Court and also, before the respondent Police, as and when required.

(vi) If any of the above conditions are violated, this order shall stand automatically cancelled.

6. This Criminal Revision Case shall stand allowed on the above terms.

25.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The II Metropolitan Magistrate Court,
Egmore, Chennai.

2.The Inspector of Police,
D-3, Ice House Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.



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