



CRL RC No. 2236 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI
CRL RC No. 2236 of 2025

1. HARIHARAN

S/o.Baskar, No. 22/26, North Railway
Station Road, Thiruvottiyur, Chennai -
600 019.

Petitioner(s)

Vs

1. The State Represented by
The Inspector of Police, H-
8,Thiruvottiyur Police Station, Chennai.
Crime No. 869/2025.

Respondent(s)

CRL RC No. 2236 of 2025

PRAYER: To call for the records connected with the impugned order passed by the Learned Principal Special Court under EC and NDPS Act at Chennai in Crl.M.P.No. 5440/2025 dt. 24.09.2025 and set aside the same pass such further or other orders as this Honble Court.

For Petitioner(s): M/s.G.Sudangan
K.Uthayanithi
M.Kamaraj
M.Sridhar
S.Yuvaraj

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



ORDER

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This Criminal Revision Case has been filed challenging the order dated 24.09.2025 made in CrI.M.P.No. 5440 of 2025 on the file of the Principal Special Court under EC and NDPS Act at Chennai by allowing this Criminal Revision Petition.

2. The petitioner is an accused in Crime No.864 of 2025 registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of the NDPS Act, 1985. 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 one plus 13 mobile phone and 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 counsel for the petitioner submitted that only based on the confession statement the petitioner has been implicated in this case and there is no recovery from the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for respondent raised strong objections for return of mobile phone.



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

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6. 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. 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.

7. In view of the above, this Court is inclined to order the return of the the mobile phone (one plus 13 mobile phone) to the petitioner. Accordingly, the order dated 24.09.2025 in Crl.MP.No.5440 of 2025 on the file of the Principal Special Court under EC and NDPS Act at Chennai is hereby set aside. The Principal Special Court under EC and NDPS Act at Chenna 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.50,000/- (Rupees fifty Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.864 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 phone 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

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To.

1. The Inspector of Police,

H-8 Thiruvottiur Police Station, Chennai

2. The Principal Special Court under EC and NDPS Act at Chennai i

3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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