



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.2193 of 2025

Surya

...Petitioner

Versus

State Rep. by
The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District.
(P.I.No.132 of 2025)

...Respondent

This Criminal Revision Case is filed under Section 483 r/w. 442 of BNSS, 2023 praying to set aside the order dated 01.08.2025 made in Crl.M.P.No.2120 of 2025 on the file of the learned Judicial Magistrate No.II at Chengalpattu and consequently, return the property “Oppo F27 Pro Plus 5G Mobile Phone” by allowing the above Criminal Revision Petition.

For Petitioner : Mr.T.Divya

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 01.08.2025 in CrI.M.P.No.2120 of 2025 passed by the learned Judicial Magistrate No.II, Chengalpattu and consequently, return the property “Oppo F27 Pro Plus 5G Mobile Phone” to petitioner.

2. The brief facts of the case are that petitioner is the owner of Oppo F27 Pro Plus 5G Mobile Phone. The petitioner's friend was arrayed as Accused No.1 in the case registered by the respondent Police in Crime No.56 of 2025 for the offences under Sections 103(1) and 238(a) of BNSS, 2023. On 09.03.2025, the respondent Police had seized the petitioner's phone in connection with the said case. Therefore, the petitioner filed a petition in CrI.M.P.No.2120 of 2025 before the Court of Judicial Magistrate No.II, Chengalpattu seeking to hand over the seized phone to him as interim custody. However, the learned Judicial Magistrate No.II, Chengalpattu vide Order dated 01.08.2025, dismissed the said petition for the reason that if the case property is returned to the petitioner, petitioner may alienate/dispose



the same and may involve in similar kind of offence. Aggrieved by the said order, petitioner has filed the present Criminal Revision Case for the relief stated *supra*.

3. The learned counsel for petitioner submitted that petitioner's friend was Accused No.1 in Crime No.56 of 2025 on the file of respondent Police, but, petitioner is not an accused in the said case. However, petitioner's phone was seized by the respondent Police in connection with the said case. The petitioner is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel for petitioner prayed that the impugned order may be set aside.

4. On the other hand, the learned Government Advocate (Crl.Side) appearing on behalf of respondent Police submitted that petitioner's phone was used for the commission of alleged offence. He further submitted that at the time of arrest of main accused, the Investigation Officer had seized the petitioner's phone from the accused under the cover of Mahazar. If the seized phone is returned to petitioner, he may indulge in similar sort of



offence. Therefore, the learned Government Advocate (CrI.Side) prayed for dismissal of this revision case.

5. Heard the learned counsel for petitioner and the learned Government Advocate (CrI.Side) appearing for respondent Police.

6. From a perusal of the materials available on record, it is evident that petitioner is the owner of Oppo F27 Pro Plus 5G Mobile Phone. The petitioner's friend is Accused No.1 in Crime No.56 of 2025 on the file of respondent Police and the petitioner is not an accused in the said case. However, petitioner's phone was seized by the respondent Police from the accused.

7. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel for petitioner, this Court is inclined to set aside the order of Court below and to issue direction to the respondent Police to return the seized phone to petitioner.



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8. Accordingly, order dated 01.08.2025 in CrI.M.P.No.2120 of 2025 passed by the learned Judicial Magistrate No.II, Chengalpattu is set aside and the respondent Police is directed to return the seized Oppo F27 Pro Plus 5G Mobile Phone to 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.56 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.

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



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

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

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

- 1.The Judicial Magistrate No.II,
Chengalpattu.
- 2.The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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