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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.2246 of 2025

Kunal Chandra

... Petitioner

Vs.

State represented by
The Inspector of Police,
Cyber Crime Branch, Vepery, Chennai
Crime No.52 of 2025

... Respondent

PRAYER : This petition is filed under Section 438 r/w 442 of BNSS Act to set aside the order dated 25.10.2025 passed in Crl.M.P.No.10505 of 2025 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai and direct the respondent police to return the Sim Card bearing No.9003075424 to the petitioner and pass orders.

For Petitioner : Mr.P. Raja

ORDER

This Criminal Revision Case has been filed to to set aside the order dated 25.10.2025 passed in Crl.M.P.No.10505 of 2025 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai and direct the respondent police to return the Sim Card bearing No.9003075424 to the petitioner and pass orders.



2. The facts of the case is that the respondent has seized the phone of the petitioner. Hence, the petitioner has filed a petition in CrI.M.P.No.10505 of 2025 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai to return the cell phone and the same was dismissed on 25.10.2025. Challenging the same the petitioner has filed the present petition.

3. The learned counsel for the petitioner submits that the mobile phone of the petitioner is his personal property and it is essential for his day to day work and further his banking transactions are connected with the said mobile phone (No.9003075424). He further submits that without the said phone he was able to do his regular work and put to irreparable loss and the said aspect was not taken note by the respondent. Hence, prayed to allow this petition.

4. The learned Government Advocate appearing for the respondent submits that the cell phone is seized and sent to forensic examination and all the data required for the investigation is available only in the cell phone. If the phone is returned to the petitioner they will not be able to conduct the investigation in this case in proper manner. Hence prays to dismiss this petition.

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



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6. On a perusal of records it is found that the cell phone of the petitioner is required for investigation purpose and returning the same to the petitioner will affect the investigation and there is a possibility of tampering the evidence by the petitioner. It is also stated that the mobile phone is sent for forensic examination, hence seeking return of the same at this stage is premature. Further more in the impugned order the learned Judge has made an observation that the mobile phone of the petitioner would be a vital piece of evidence and dismissed the petition.

7. This Court is of the view that the impugned order passed by the learned Judge is perfectly valid and there is no necessity to interfere with the same. Accordingly the order passed on 25.10.2025 in CrI.M.P.No.10505 of 2025 by the learned XI Metropolitan Magistrate, Saidapet, Chennai is confirmed and this Criminal Revision case stands dismissed.

04.11.2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The learned XI Metropolitan Magistrate, Saidapet, Chennai

2. The Inspector of Police,Cyber Crime Branch, Vepery, Chennai

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T.V.THAMILSELVI, J.

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