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Crl.R.C.No.2654 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2654 of 2025

N.Mageshwari

... Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
N.1 Royapuram Police Station,
Chennai.
(Crime No.95 of 2023)

... Respondent

Prayer: Criminal Revision Petition filed under Section 438 read with 442 of BNSS, praying to call for the records and set aside the order passed in Crl.M.P.No.321 of 2025 dated 20.02.2025 by the learned II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

For Petitioner : Mr.K.Prabhakaran

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

ORDER

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The revision has been filed challenging the order passed by the II



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Additional Special Court for Exclusive Trial of Cases under NDPS Act,

Chennai dismissing the petitioner's petition for return of the mobile phone, seized during the investigation.

2. The petitioner is not the accused in C.C.No.361 of 2023 for the offences under section 8[c] read with 20[b] [ii] [C], 25 and 29[1] of NDPS Act. During the course of investigation, the petitioner's mobile phone and her car were seized. The petitioner had sought return of those two properties. By an Order in CrI.M.P.No.2927 of 2023 dated 24.05.2023, the petitioner's car was returned and the mobile phone was not returned since the Court had held that it would be required by the prosecution for adducing additional evidence. Thereafter, the petitioner had once again filed a petition for return of the mobile phone and by the impugned Order, the said request was rejected on the ground that the petitioner had not complied with certain conditions in producing the car which was already returned to her.



3. The learned counsel appearing for the petitioner would submit that thereafter, the car was produced regularly; that the mobile phone that has been sized has already been marked as M.O.6; and that it would not be required for the purpose of trial as the prosecution does not seek to rely upon any of the information that was stored in the mobile phone.

4. The learned Government Advocate [Criminal Side] on instructions submitted that the mobile phone has already been marked as M.O.6 and they do not require the same for establishing the offence as against the petitioner's son.

5. In the light of the above submissions, this Court is inclined to return the mobile that was marked as M.O.6 to the petitioner. The trial Court, if required, may take photo of the said mobile and substitute the same for the mobile phone in the records.

6. Accordingly, this **Criminal Revision Case is allowed** and the



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impugned Order dated 20.02.2025 made in CrI.M.P.No.321 of 2025 in

C.C.No.361 of 2023 on the file of the II Additional Special Court for

Exclusive Trial of Cases under NDPS Act, Chennai is set aside. In view of

the same, the trial Court is directed to return the mobile phone to the

petitioner on the following conditions :

(i) The petitioner shall execute a personal bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties for a likesum to the satisfaction of the learned II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai

(ii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that she will produce the vehicle as and when required by the trial court.

04.12.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

1. The II Additional Special Court for



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Exclusive Trial of Cases under NDPS Act,
Chennai

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2. The Inspector of Police,
N.1 Royapuram Police Station,
Chennai
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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