



Crl.R.C.No.2878 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2878 of 2025

Sankar,
S/o.Mani,
No.3/8, 6th Crossstreet,
Ranganathapuram,
Thambaram West,
Chennai – 600 045.

...Petitioner

Vs.

The State Rep.by,
The Inspector of Police
Pallikaranai PEW Police Station,
Chennai District.
(Cr.No.46/2025)

...Respondent

Prayer: Criminal Revision case filed under Section 438 r/w Section 442 of BNSS, to set aside the impugned order passed by the learned Principal District and Sessions Judge, Special Court for NDPS and EC Act, Chennai in Crl.M.P.No.6106/2025 dated 17.10.2025 and consequently directing the respondent to return the case property i.e., mobile phone (Apple Iphone 14 plus) (IMEI: 352115380216671) with the interim custody of the petitioner, from the custody of the respondent police.



Crl.R.C.No.2878 of 2025

For Petitioner : Mr.C.R.Gokulvisvas
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

The revision challenges the dismissal of the petitioner's application seeking return of his mobile phone, which was seized by the respondent during the course of investigation.

2. The petitioner is the sole accused in Crime No. 46 of 2025 on the file of the respondent for alleged possession of 1.200 Kgs of ganja and 450 numbers of Tapentadol Tablets. During the course of investigation, the petitioner's mobile phone was seized by the respondent. The petitioner filed Crl.M.P.No.6106 of 2025 before the learned Principal District and Sessions Judge, Special Court for NDPS and EC Act, Chennai, for return of his mobile phone. The learned Judge, dismissed the same vide the impugned order.

3. Learned counsel for the petitioner would submit that the mobile phone has nothing to do with the alleged offence; that the petitioner has no bad antecedents; that if the mobile phone is kept unused, its value would get depreciated and since the petitioner is the owner, interim custody of the



Crl.R.C.No.2878 of 2025

mobile phone may be handed over to the petitioner on any stringent condition.

4. Learned Government Advocate (Crl.Side), on instructions, would fairly submit that the mobile phone may not be required for the purpose of proceedings.

5. In view of the aforesaid submission, this Court is inclined to set aside the impugned order and direct that the interim custody of the petitioner's mobile phone, namely, Apple Iphone 14 plus (IMEI: 352115380216671) be handed over to the petitioner, on the following conditions:

- ‘(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Principal District and Sessions Judge, Special Court for NDPS and EC Act, Chennai;
- (ii) The petitioner shall not alienate or alter the mobile phone and
- (iii) The petitioner shall produce the mobile phone as and when required by the Trial Court.’



Crl.R.C.No.2878 of 2025

SUNDER MOHAN.J.,

Tsg

6. The criminal revision case is disposed of accordingly.

05.01.2026

Index : Yes/No
Speaking order : Yes/No
Tsg

To

1.The Principal District and Sessions Judge,
Special Court for NDPS and EC Act, Chennai.

2.The Inspector of Police
Pallikaranai PEW Police Station,
Chennai District.

3.The Public Prosecutor,
High Court Madras.

Crl.R.C.No.2878 of 2025