



WEB COPY



Crl.R.C.No.2865 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2865 of 2025

Vigneshwaran
S/o. Ramasamy,
No.6/112, North Mada Street Koil,
Kancheepuram 600 122.

...Petitioner

Vs.

The State Rep.by,
The Inspector of Police
D-2 Annasalai Police Station
Chennai District.

...Respondent

Prayer: Criminal Revision case filed under Section 438 r/w Section 442 of BNSS, to set aside the order dated 03.06.2025 passed in Crl.M.P.No.2700 of 2025 by the learned Principal Sessions Judge, EC & NDPS Act Court, Chennai and direct return of the seized property, namely iPhone-14, to the petitioner.

For Petitioner : Mr.A.Samson



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For Respondent : Mr.S.Balaji
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 an accused in Crime No. 118 of 2025 on the file of the respondent for alleged possession of 2gms of MDMA tablets. He was arrayed as A2 and there are 17 other accused in the case. During the course of investigation, the petitioner's vehicle as well as his mobile phone were seized by the respondent. The petitioner filed Crl.M.P. No. 2700 of 2025 before the learned Principal Sessions Judge, EC & NDPS Act Court, Chennai, for return of his two-wheeler as well as his mobile phone. The learned Judge, by the order under challenge, allowed the petitioner's application insofar as two-wheeler was concerned and dismissed the same as regards return of mobile phone.

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



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depreciated and since the petitioner is the owner, interim custody of the 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 seized from similarly placed accused were directed to be returned by this Court and 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, iPhone-14 be handed over to him 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 Sessions Judge, EC and NDPS Act Court, 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.’



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SUNDER MOHAN.J.,

nv

6. The criminal revision case is disposed of accordingly.

02.01.2026

Index : Yes/No

Speaking order : Yes/No

nv

To

1.The Principal Sessions Judge, EC & NDPS Act Court,
Chennai.

2.The Inspector of Police
D-2 Annasalai Police Station
Chennai District.

3. The Public Prosecutor, High Court Madras.

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