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Crl.R.C.No.2881 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.2881 of 2025

Manikandan
S/o. Raja,
No.161, Selvi Street,
Ambattur, Chennai District.

...Petitioner

Vs.

The State,
Rep.by the Inspector of Police
T-1 Ambattur Police Station
Tiruvallur District.

...Respondent

Prayer: Criminal Revision Case filed under Section 438 r/w Section 442 of the BNSS, to set aside the order dated 18.03.2025 passed in Crl.M.P.No.1091 of 2025 on the file of the Principal Sessions Judge, EC & NDPS Act Court, Chennai and direct return of the seized property, namely Vivo Y 238 Mobile Phone to the petitioner.

For Petitioner : Mr.A.Samson

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)



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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. 08 of 2025 on the file of the respondent for alleged possession of 1.250 Kgs of ganja. He was arrayed as A2. 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. 1091 of 2025 before the learned Principal Sessions Judge, EC & NDPS Act Court, Chennai, for return of his Auto as well as his mobile phone. The learned Judge, by the order under challenge, allowed the petitioner's application insofar as Auto 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 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



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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, Vivo Y 238 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.’

6. The criminal revision case is disposed of accordingly.

02.01.2026

Index : Yes/No
Speaking order : Yes/No
nv



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SUNDER MOHAN.J.,

nv

To

- 1.The Principal Sessions Judge,
EC & NDPS Act Court, Chennai.
- 2.The Inspector of Police
T-1 Ambattur Police Station
Tiruvallur District.
3. The Public Prosecutor,
High Court, Madras.

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