



Crl.RC(MD).No.233 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.R.C.(MD)No.233 of 2026

Praveen Kumar
S/o.Ramamoorthy

..Petitioner

Vs.

The Inspector of Police,
CSCID Police Station
Virudhunagar District.
Crime No.220 of 2024.

..Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w.442 of BNSS, 2023, to pass an order allowing the above Criminal Revision Petition and consequently set aside the order as made in Crl MP No.384/2025 dated 12.05.2025 passed by the Learned Judicial Magistrate No.I, Virudhunagar in Crime No.220 of 2024 dated 05.12.2024 subsequently direct the respondent police to grant the interim custody of VIVO Y200(5G) (IMEI No. 860378062527477) mobile phone and order the relief as sought for in the said application.

For Petitioner : Mr.A.Uthaya Kumar.

For Respondent : Mr.Vaikkam Karunanithi
Government Advocate (Crl.Side)



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ORDER

Heard Mr.A.Uthaya Kumar, learned Counsel for Revision Petitioner and Mr.Vaikkam Karunanithi, learned Government Advocate for Respondent.

2. This Criminal Revision Petition has been filed to set aside the order passed in Crl.M.P.No.384 of 2025 dated 12.05.2025, on the file of the learned Judicial Magistrate No.I, Virudhunagar pertaining to Crime No.220 of 2024 dated 05.12.2024 and subsequently direct the respondent to grant the interim custody of the property viz., Mobile Phone (Vivo Y200 (5G) (IMEI No. 860378062527477)).

3. Learned counsel for petitioner would submit that petitioner's father, namely Ramamoorthi, is alleged to have committed the offence of illegal transportation of PDS rice using petitioner's Mobile Phone (Vivo Y200 (5G) (IMEI No. 860378062527477)), which has been seized by respondent



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Police and an FIR in Crime No.220 of 2024 was registered on 05.12.2024 under Section 6(4) of TNSC (ROCS) Order 1982 r/w 7(i)a(ii) of Essential Commodities Act, 1955. He would further submit that petitioner has not been arraigned as an accused and has no knowledge of the alleged offence. He produced the tax invoice of the said mobile in support thereof and the same was perused by Mr.Vaikkam Karunanithi, learned Government Advocate appearing for respondent, who confirmed that petitioner is the lawful owner of the subject mobile.

4. Learned Government Advocate has strong objections to the request for the release of the mobile phone. He would contend that the mobile phone contain crucial details/data and the Court should not grant interim custody of the mobile phone as it may cause prejudice to the prosecution and there is a possibility of tampering of evidence.

5. At this juncture, learned counsel for petitioner would submit that petitioner would co-operate with the prosecution and permit respondent



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police to retrieve or extract the data contained in the said mobile phone and also permit them to transmit or migrate the same to any other device of respondent and undertakes not to tamper with such data.

6. Earlier when the matter came up for hearing on 09.02.2026, this Court vide order dated 09.02.2026 directed petitioner to appear before Judicial Magistrate No.I, Virudhunagar, on 13.02.2026 and to enable the prosecution to access the mobile phone by disclosing the lock pattern, arithmetic pattern, or any other security pattern and to permit migration of data, if any, to any other device and to prepare mahazar in this regard.

7. Today, when the matter came up for hearing, it was submitted that petitioner had complied with the directions of this Court vide order dated 09.02.2026.

8. Before proceeding further, it may be relevant to refer to provisions of Sections 497 and 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which reads as follows:-



"497. Order for custody and disposal of property pending trial in certain cases.-When any property is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Explanation.- For the purposes of this section," property" includes-

(a) property of any kind or document which is produced before the Court or which is in its custody,

(b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.

(2) The Court or the Magistrate shall, within a period of fourteen days from the production of the property referred to in sub-section (1) before it, prepare a statement of such property containing its description in such form and manner as the State Government may, by rules, provide.

(3)The Court or the Magistrate shall cause to be taken the photograph and if necessary, videograph on mobile phone or any electronic media, of the property referred to in sub-section (1).

(4)The statement prepared under sub-section (2) and the photograph or the videograph taken under sub-section (3) shall be used as evidence in any inquiry, trial or other proceeding under the Sanhita.

(5)The Court or the Magistrate shall, within a period of thirty



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days after the statement has been prepared under sub-section (2) and the photograph or the videography has been taken under sub-section (3), order the disposal, destruction, confiscation or delivery of the property in the manner specified hereinafter.

503. Procedure by police upon seizure of property.-(1)

Whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.

(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation."

9. Considering the fact that petitioner had complied with the directions of this Court dated 09.02.2026, the impugned order dated 12.05.2025 passed by Judicial Magistrate No.I, Virudhunagar in Crl.M.P.No.384 of 2025 is set aside. Accordingly, Mobile Phone (Vivo Y200 (5G) (IMEI No. 860378062527477) is directed to be released subject to the following conditions, which was agreed to by learned counsel for petitioner:-



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(i) Petitioner shall execute a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.I, Virudhunagar.

(ii) Petitioner shall not sell the mobile till conclusion of the trial.

(iii) Petitioner shall undertake not to tamper with data in the mobile phone.

(iv) Petitioner shall give an undertaking before respondent/authority concerned stating that he will not use the mobile phone in question for any illegal activities in future and shall produce the same as and when required by respondent Police and also the trial Court, failing which the respondent/trial Court is/are at liberty to confiscate the mobile phone.

10. This Criminal Revision case is disposed of on the above terms.

19.02.2026

Index :yes/No
Internet:yes/No
rgm



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To

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- 1.The Judicial Magistrate No.1,
Virudhunagar.
- 2.The Inspector of Police,
CSCID Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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MOHAMMED SHAFFIQ,J.

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