

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.11.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1203 of 2009

&

M.P.Nos.2 and 3 of 2009

1. Dr.M.R.Muralikrishnan

2. M.Arthi

... Petitioners

vs.

1. State Rep. By

The Inspector of Police

Central Crime Branch

Office of the Commissioner of Police

Egmore, Chennai - 8

2. K.S.Rajendhiren

... Respondents

Criminal Revision filed u/s.397 & 401 Cr.P.C. against the judgment passed by the learned V Additional Sessions Judge at Chennai in C.A.No.5/2007 dated 27.04.2009 confirming the order passed by the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.1623 of 2006 in C.C.No.3946 of 2007 dated 29.12.2006.

For Petitioner : Mrs.P.V.Rajeswari

For Respondents: Mr.C.Iyyapparaj

Govt. Advocate (Crl.side) for R1

Mr.R.Rajasekaran for R2

O R D E R

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This petition challenges the order passed by the learned V Additional Sessions Judge, Chennai dated 27.04.2009 in C.A.No.5 of 2007.

2. Petitioners are defacto complainant in case registered in Crime No.284 of 2002 on the file of the first respondent. Upon completion of investigation, the respondent police filed a

Referred Charge Sheet, whereupon the accused moved a petition for return of documents, which were handed over by them to the Investigating Agency. The petitioner/defacto complainant moved a protest petition. The learned V Additional Sessions Judge, Chennai directed return of documents to the accused in such circumstances. The petitioner also moved an appeal in C.A.No.5 of 2007 against return of documents to the accused. The learned Sessions Judge dismissed the appeal on the reasoning that the documents, which were returned to the accused, had nothing to do with the complaint of the petitioner and it was observed that the petitioner had informed of having filed a civil suit and obtained a favourable decree in respect of the property where regards the petitioner complained of wrong doing by the accused persons. Finding that no interference could be made with the return of documents merely because a protest petition has been moved by the petitioner against the Referred Charge Sheet and further, since the document return of which have been directed to the accused were in no way connected with the transaction informed in the original complaint of the petitioner, the Court below has dismissed the appeal. This Court finds no error in the order of the Court below.

This Criminal Revision Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

To

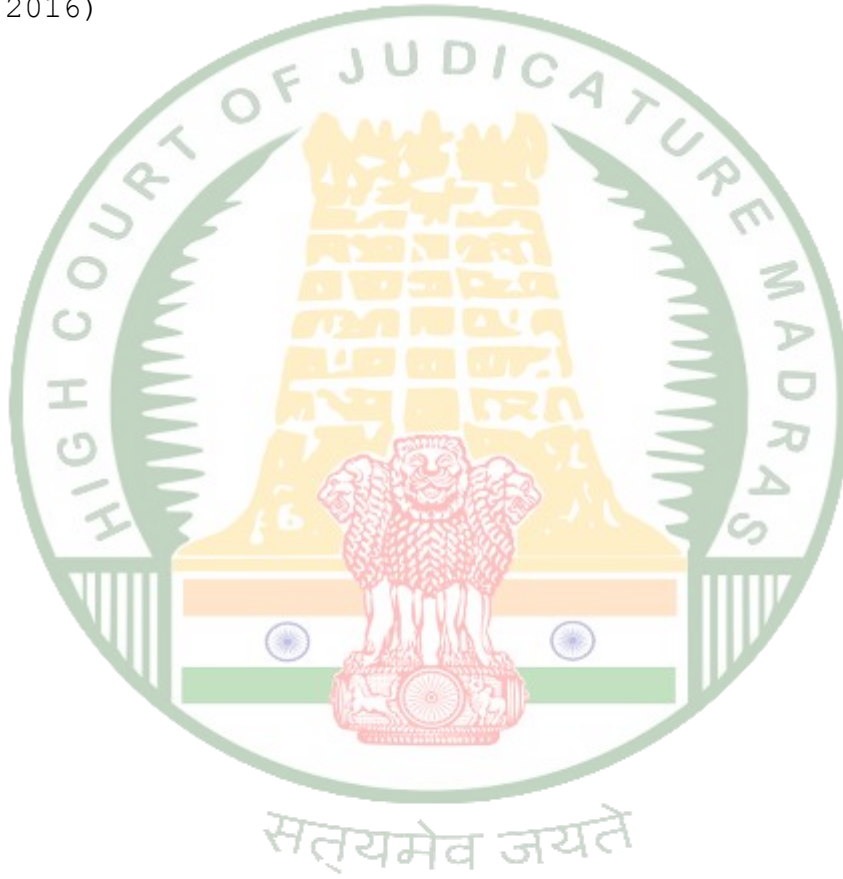
1. V Additional Sessions Judge
Chennai.
- 2.-Do- The Principal Session Judge,
Chennai.
3. The Additional Chief Metropolitan Magistrate
Egmore, Chennai
- 4.-Do- Thro The Chief Metropolitan Magistrate,
Egmore, Chennai
Now at Allikulam Commercial Complex,
Chennai-3

5. The Inspector of Police
Central Crime Branch
Office of the Commissioner of Police
Egmore, Chennai - 8

+2cc to M/S.P.V.Rajeswari, Advocate, S.R.No.63833,63808

Cr1.R.C.No.1203 of 2009 &
M.P.Nos.2 and 3 of 2009

rsy(CO)
srg(04/02/2016)



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