



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2015

CORAM:

THE HONOURABLE MRS.JUSTICE S.VIMALA

WEB COPY

Rajaram

Criminal Revision Case (MD)No.427 of 2015

.. Petitioner

Vs.

State through
The Inspector of Police,
Karivalamvandhanallur Police Station,
Thirunelveli Distrct.
in Cr.No.129 of 2013.

.. Respondent

Revision is filed under Section 397 r/w 401 Cr.P.C. to set aside the order dated 24.01.2014, passed in Cr.M.P.No.822 of 2014 by the Judicial Magistrate, Sankarankovil, in Cr.No.129 of 2013 on the file of the respondent police and further direct the learned Judicial Magistrate, Sankarankovil to return the computer CPU remanded in Cr.No.129 of 2013 on the file of the respondent police, pending disposal of the criminal case.

For Petitioner : Mr.M.Suriya Bagavandas

For Respondent : Mr.P.Kandasamy
Government Advocate

ORDER

The petitioner herein is an accused in Crime No.129 of 203 in respect of the offences under Sections 420, 294(b) and 506(i) IPC. The petitioner is stated to be the Vice President of the Institution called PIORT. The respondents herein are stated to have recovered CPU from the college of the third respondent.

2. When the petitioner filed an application for return of the property, the Court below has chosen to dismiss the petition. Challenging the same, this Revision Petition has been filed.

3. In the dismissal order, the Court has given a finding that when the trial is pending, it is not possible to return the property to the petitioner.

4. When this matter was heard, the learned Government Advocate (crl. Side) submitted that disputed property has been sent for Forensic Expert opinion on 17.02.2015 and the investigation is not yet over.

5. When the subject matter of the property is subjected to Forensic Examination, it is not appropriate or even possible for this Court to order return of property. Therefore, the order of the Court below cannot be interfered with. Therefore, the order passed by the Court below cannot be set aside. However, it is open to the petitioner to file a petition for return of property, after the Forensic Examination is over.



6. With the above observation, the Criminal Revision Petition is dismissed.

Sd/-
Assistant Registrar

/True copy/

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Sub Assistant Registrar

Rj2

To

1. The Inspector of Police,
Karivalamvandhanallur Police Station,
Thirunelveli District.
2. The Judicial Magistrate, Sankarankovil.

Crl.R.C. (MD) No.427 of 2015
15.09.2015

CSL/SKS-RR/01.10.2015
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