

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1349 of 2015

Raj

.. Petitioner

Vs

State represented by
The Inspector of Police
B-5,Harbour Police Station
Chennai
Crime No.26 of 2015

... Respondent

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code against the order dated 07.12.2015 in C.M.P.No.2440 of 2015 in Crime No.26 of 2015 passed by the learned XVI Metropolitan Magistrate,G.T.Court at Chennai.

For Petitioner : Mr.K.Thenrajan
For Respondent : Mr.C.Iyyapparaj, G.A.(Crl.side)

O R D E R

The petitioner challenges the order of the learned Metropolitan Magistrate XVI, Chennai, passed in C.M.P.No.2440 of 2015 on 07.12.2015, rejecting the petition filed for return of Samsung LED TVs.

2. The respondent has seized five Samsung LED TVs belonging to the petitioner in connection with the case registered in Crime No.26 of 2015 on its file for offence under Section 41 Cl (ii) r/w 102 of Cr.P.C. The petitioner has moved C.M.P.No.2440 of 2015 before the learned Metropolitan Magistrate XVI, G.T. Court, Chennai, seeking return of the same. Such petition came to be dismissed under orders of the Court below dated 07.12.2015 and hence, this revision.

3. Heard learned counsel for the petitioner and learned Government Advocate (Crl.side).

4. Learned counsel for the petitioner would seek to impress upon this Court that a false case stands foisted upon the petitioner.

5. Considering the nature of the case, this Court would set aside the order of the Court below negating the return of LED Tvs. This court is of the considered view that no prejudice would be caused to the prosecution in the event of granting the relief of interim custody of the properties to the petitioner. Learned Metropolitan Magistrate XVI, G.T. Court, Chennai, is directed to return the five Samsung LED Tvs to the petitioner on fulfilling the following conditions:

- i. the petitioner shall not alienate the properties in any manner;
- ii. the petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Metropolitan Magistrate XVI, Chennai; and
- iii. The petitioner shall furnish a bank guarantee in a sum of Rs.1,00,000/- (Rupees one lakh)

7. Accordingly, the Criminal Revision is ordered.

-s/d-

Assistant Registrar (CSII)

True Copy

Sub-Assistant Registrar

To

1. The Metropolitan Magistrate XVI,
G.T. Court, Chennai.

2. The Inspector of Police
B-5, Harbour Police Station
Chennai

3. The Additional Public Prosecutor,
High Court, Madras.

+1 cc to Mr. K. Thenrajan Advocate sr.159

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