

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM

THE HONOURABLE DR.JUSTICE P.DEVADASS

CRL.R.C.No.590 of 2016

B.Santhosh

... Revision Petitioner

Vs.

State :

Rep. by The Inspector of Police,
Central Crime Branch - I,
Chennai Police, Vepery,
Chennai - 600 007.

... Respondent

Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure to set aside the impugned Order dated 17.03.2016 passed by the learned Chief Metropolitan Magistrate, (Egmore) Allikulam, Chennai in Crl.M.P.No.1502 of 2016 in CCB Crime No.31 of 2016 and consequentially, allow Cr.M.P.1502 of 2016 by directing that the documents sought therein be returned to the petitioner.

For Petitioner : Mr.Prahlad Bhat

For respondent : Mr.V.Arul,
Government Advocate (Crl. Side)

O R D E R

The third party aggrieved by the dismissal of his petition under section 451 Cr.P.C. for return of listed documents, by the learned Chief Judicial Magistrate, Chennai passed in Crl.M.P.No.1502 of 2016 in CCB Crime No.31 of 2016, has directed this revision.

2. Heard both sides.

3. It seems that the petitioner has been carried away by the sweet words of the accused that he will provide him a pilot job. Ultimately, the pilot has been duped. His father/defacto complainant lodged a complaint. Criminal case has been registered. In the course of investigation, police

seized the listed documents which includes pilot certificates, medical certificate etc. The third party, namely son of the defacto complainant asked for return of those documents.

4. The learned Chief Metropolitan Magistrate, Chennai negatived his request on the ground that this pilot will go abroad and the case may not go.

5. In the facts and circumstances, we are not subscribing to the view of the Trial Court. Already the third party has suffered. It would be subjecting him to suffer further. But at the same time, the interest of investigation have also to be protected.

6. In view of the foregoing, the Order of the learned Chief Metropolitan Magistrate, Chennai passed in CrI.M.P.No.1502 of 2016 in CCB Crime No.31 of 2016 is set aside. The learned Chief Metropolitan Magistrate will direct the respondent to return the original listed documents after taking xerox copies of the same.

7. This revision is disposed of accordingly.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To,

1. The Chief Metropolitan Magistrate(Egmore Court), now functioning at Allikulam,Complex, Park Town Chennai.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Central Crime Branch - I, Chennai City Police, Vepery.

+1cc to Mr.Palaniandavan, Advocate Sr.22002

CrI.R.C.No.590 of 2016

pvs[co]
srg 26/04/2016