

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2017

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

Crl.R.C.No.1246 of 2017

S.Vaski

... Petitioner

Vs.

State by

The Inspector of Police,
CBCID, Villupuram Police Station,
Villupuram, Villupuram District.

... Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. to call for the records insofar relates to Crl.M.P.No.543 of 2017, dated 12.07.2017 on the file of the Chief Judicial Magistrate, Villupuram, Villupuram District and set aside the same and consequently directing the respondent to return Sony Laptop SVE 151 G12 and Sony Handy Camera seized by the respondent police to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

This revision case is filed against the order dated 12.07.2017 passed by Chief Judicial Magistrate, Villupuram, in Crl.M.P.No.543 of 2017 in Crime No.01 of 2016.

2. The very short facts which are required to be noticed for the disposal of this criminal revision case is as follows:-

i) The petitioner had been charged under Section 420, 384 and 306 r/w.4(B) of the Tamil Nadu Prevention of Women Atrocities Act by the respondent police.

ii) The charge sheet has also been filed by the respondent police and the case is pending before the trial Court.

iii) While so, the petitioner had moved an application under Section 451 of the criminal procedure code seeking for interim custody of two articles namely :-

1. Sony laptop SVE 151 G12 and

2 Sony Handy Camera.

iv) According to the petitioner, these two items were seized during the raid by the respondent police, through the investigating officer. These two articles had been kept idly for a long time and these two articles are the personal belongings of the petitioner. Since, this laptop and camera are very much required in day to day use, the said articles may be given interim custody to the petitioner.

v) The said petition has been considered and dismissed by the learned Judge through the impugned order, against which the present revision has been filed.

3. I have heard Mr.C.Prakasam, learned counsel appearing for the petitioner and also Mr.C.Iyyapparaj, learned Additional Public Prosecutor for the respondent.

4. The learned counsel for the petitioner would state that neither the camera nor the laptop, seized by the respondent, from the petitioner, are important evidence for the prosecution case. Since these items, which are seized, were kept idle for a longer period, they would become useless and after some time, it may not be possible for the petitioner to bring these articles for usage.

5. Instead of having these articles by the respondent police, by way of interim custody, the same can be given to the petitioner, and it shall be produced by the petitioner before the concerned Court, as and when it is required.

6. However, Mr.C.Iyyapparaj, learned Additional Public Prosecutor would state that insofar as this Sony laptop is concerned, it has been shown as one of the material objects on the side of the prosecution and certain software materials have been recorded in it. Those materials are required by the prosecution to proceed with the case at the time of trial and the laptop being the material object, if returned to the petitioner, then the case of the prosecution will get defected.

7. However, the learned Additional Public Prosecutor submits that as far as the camera is concerned, that has been not shown as a material object and it is only an empty camera, where there is no film or any technical material supporting any object.

8. I have heard the learned counsel appearing for both the parties.

9. Insofar as the Sony laptop is concerned, as rightly submitted by the learned Additional Public Prosecutor, since it is one of the material objects, where some software materials have been recorded as claimed by the prosecution, at

this stage it is not feasible to give the said laptop for interim custody to the petitioner.

10. Insofar the camera is concerned, since it is only an empty camera and it has not been shown as one of the material objects, and further, as nothing material objects is available in the camera, this Court feels that the said camera, which is one of the property sought for by the petitioner, shall be given to the petitioner by way of interim custody. In the result the following orders are passed in the revision case:-

1) The Sony handy camera claimed by the petitioner shall be given by way of interim custody.

2) However, the Sony laptop claimed by the petitioner shall not be given to the petitioner for interim custody.

3) Insofar as the camera is concerned, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Chief Judicial Magistrate, Villupuram, Villupuram District, within a period of two weeks from the date of receipt of a copy of this order.

11. With these directions, the criminal revision case is disposed of.

AT

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

1 The Chief Judicial Magistrate,
Villupuram,
Villupuram District

2 The Inspector of Police,
CBCID Villupuram Police Station,
Villupuram District.

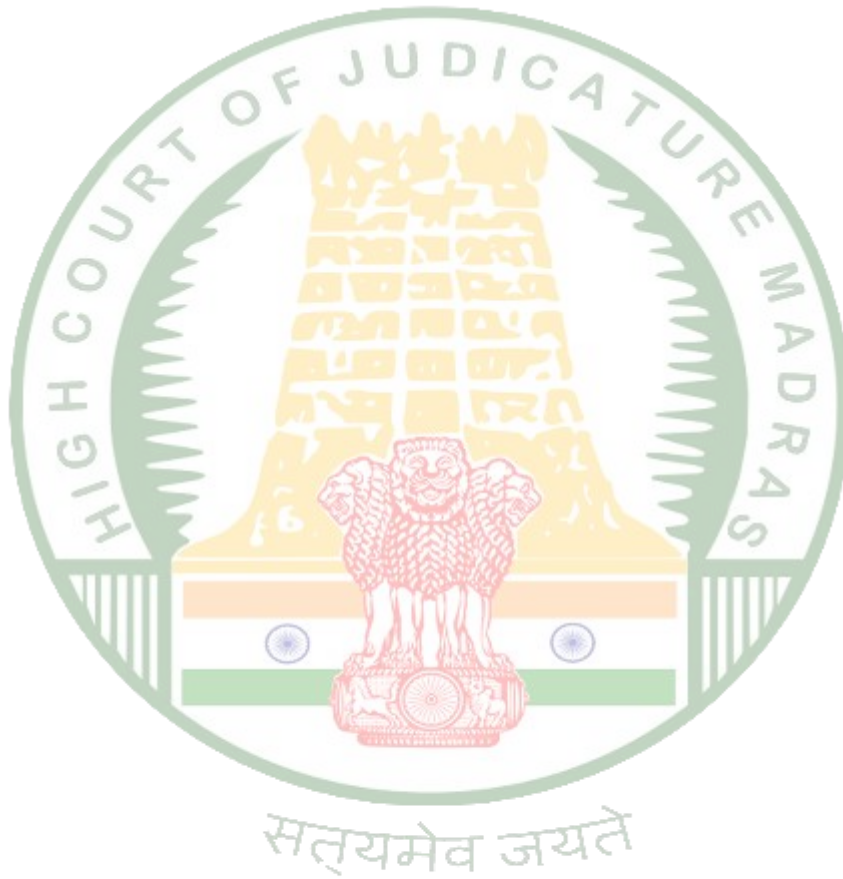
3 The Public Prosecutor,
High Court, Madras.

+1CC to MR.PRAKASAM Advocate SR.NO.70344

Cr1.R.C.No.1246 of 2017

MG[CO]

MK:13/11/2017



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