



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Cr1.R.C. (MD) No.874 of 2017

Vijayakumar

... Petitioner/Petitioner

Vs.

The State Rep.by
The Sub Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.
(Crime No.187 of 2017)

... Respondent/Respondent

PRAYER: The Criminal Revision case is filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records pertaining to the order dated 27.10.2017 passed in Cr.M.P.No.3159 of 2017 by the learned Judicial Magistrate No.II, Nagercoil and set aside the same and consequently, direct the Judicial Magistrate to return the properties involved in Crime No.187 of 2017 on the file of Respondent Police to the petitioner.

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.C.Mayilvahana Rajendran,
Addlitional Public Prosecutor

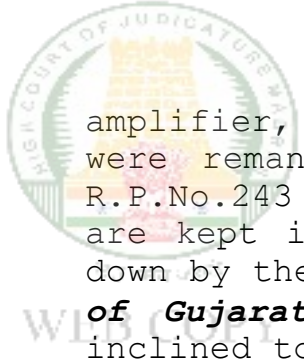
O R D E R

The Criminal Revision Case is filed to set aside the order dated 27.10.2017 passed in Cr.M.P.No.3159 of 2017 by the learned Judicial Magistrate No.II, Nagercoil and direct him to return the properties involved in Crime No.187 of 2017 to the petitioner.

2.The learned counsel for the petitioner is present. Mr.C.Mayilvahana Rajendran, Additional Public Prosecutor takes notice for the respondent. Heard both sides in the admission stage itself with consent of either side.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that he has no objection for returning the seized properties except the pendrive since the case is pending for investigation.

4.The case has been registered against 4 persons including the petitioner for the offence under Sections 7 and 14 of Cinematograph Act, 1952 for exhibiting a Tamil film namely, Baghubali without obtaining any rights or permission and hence, the respondent Police has seized projector, laptop, stabilizer,



amplifier, lap charger, AVPIO cable, screen and pendrive and they were remanded to the learned Judicial Magistrate concerned under R.P.No.243 of 2017. Seized articles are electrical goods. If they are kept in idle, they would go useless. As per the dictum laid down by the Hon'ble Apex Court in **Sundarbhai Ambalal Desai Vs. State of Gujarat** reported in **[2003 (1) CTC 175 (SC)]** this Court is inclined to order as under:

(i)The Criminal Revision Petition is allowed by setting aside the order dated 27.10.2017 passed in Cr.M.P.No.3159 of 2017 by the learned Judicial Magistrate No.II, Nagercoil.

(ii)The learned Judicial Magistrate No.II, Nagercoil will grant interim custody of the properties namely, projector, stabilizer, amplifier, AVPIO cable, screen, laptop and lap charger to the revision petitioner except the pen drive on execution of personal bond for a sum of Rs.2 lakhs (Rupees two lakhs only) to the satisfaction of the magistrate concerned.

(iii)The above said properties shall be photographed at different angle, on the cost of the revision petitioner herein and it shall be in the case records and the signature of the revision petitioner shall be obtained on them.

(iv)The Panchanama is to be prepared before handing over the properties in question to the revision petitioner herein.

(v)The petitioner should not alter or alienate the properties, till the disposal of the case.

(vi)The revision petitioner shall cause production of the said properties as and when required by the concerned Judicial Magistrate.

5.With the above directions, this Criminal Revision case is ordered accordingly.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II, Nagercoil.

2.The Sub Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

NBJ