

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.966 of 2018
and
Crl.M.P.No.11197 of 2018

H.Issac Ponsingh

... Petitioner

Vs.

State The Inspector of Police,
Central Crime Branch,
Team-XI, Vepery,
Chennai-600 007.

.... Respondent

Prayer:Criminal Revision Case filed under Section 401 of the Criminal Procedure Code seeking to call for the records in connection with CMP No.2373 of 2018 in CCB Crime No.277 of 2015 on the file of CCB & CBCID Metropolitan Magistrate, Egmore, Chennai and to set aside the order dated 27.06.2018 passed in CMP No.2373 in CCB Crime No.277 of 2015.

For Petitioner : Mr.T.R.Sundaram
For Respondent : Mrs.S.Thankira, GA

O R D E R

This criminal revision case has been filed to call for the records in connection with CMP No.2373 of 2018 in CCB Crime No.277 of 2015 on the file of CCB & CBCID Metropolitan Magistrate, Egmore, Chennai and to set aside the order dated 27.06.2018 passed in CMP No.2373 in CCB Crime No.277 of 2015.

2.The petitioner, who is arrayed as A1, in the case registered in CCB Crime No.277 of 2015, has filed a petition under Section 457 of the Code of Criminal Procedure before the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai-8, seeking for return of documents.

3.It is alleged by the learned counsel for the petitioner that at the time of arrest, the Law Enforcing Agency seized 14 documents from the petitioner and all those documents were not connected to the present case as alleged by the prosecution. Therefore, he filed a petition for return of documents.

4.After hearing the submissions of both sides, the lower Court passed the order, except petition mentioned document Nos.11 to 13, which have been obtained by the bank officials from the SRO Office [viz., legal opinion, Valuation report given by Tamilnadu Mercantile Bank for Rs.80,000/- for the property in S.No.12/2 in the name of P.Hilda and Cash receipt from Mambalam Guindy Taluk Office for getting patta-challan No.386 dated 19.02.1997], no documents were available in the case records and accordingly, the said petition was dismissed.

5.The learned counsel appearing for the petitioner would submit that though the petitioner sought for 14 documents, the Court below rejected the petition and it is only three documents are available in the case records viz., Document Nos.11 to 13. He would further submit that this Court may permit the petitioner to file a fresh petition for return of documents.

6.The learned Additional Public Prosecutor appearing for the State would submit that he has no objection for grant of such liberty to file a fresh petition.

7.Considering the limited request made by the learned counsel for the petitioner, this Criminal Revision Case is disposed of with liberty to the petitioner to file a fresh petition and such petition is being filed, the Court below is directed to dispose of the same, within a period of four weeks from the date of filing of the petition. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai.

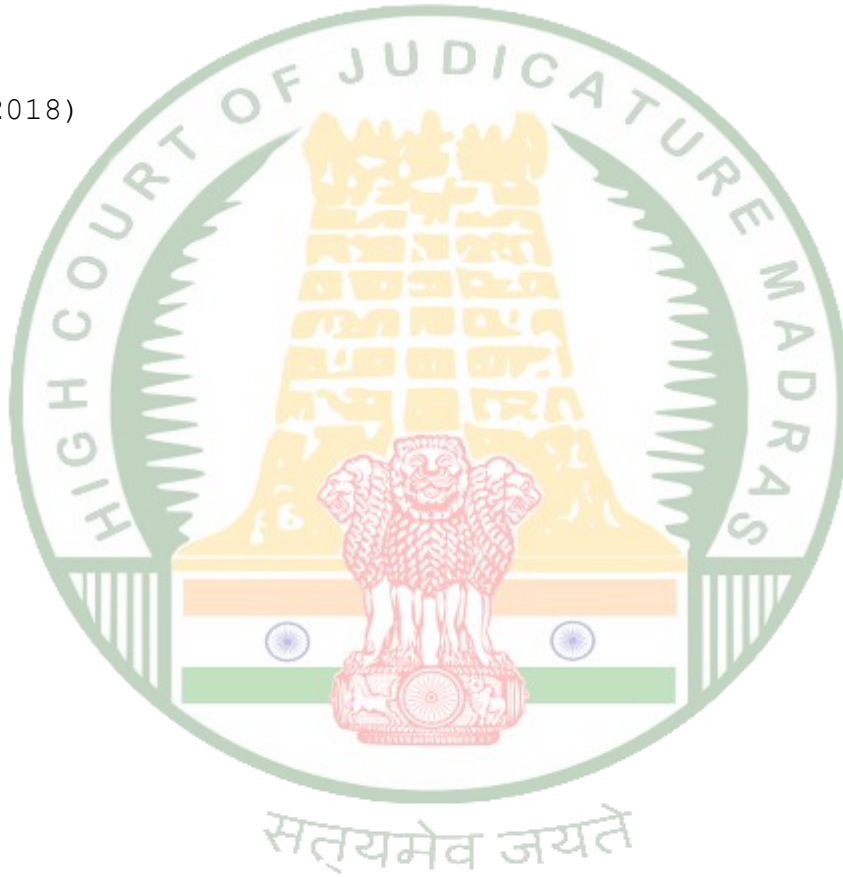
2. The Inspector of Police,
Central Crime Branch,
Team-XI, Vepery,
Chennai-600 007.

3. The Public Prosecutor,
High Court of Madras,
Chennai.

+2 CCs to Mr. Sundaram, Advocate sr 66171.

CrI.R.C.No.966 of 2018
and
CrI.M.P.No.11197 of 2018

MG (CO)
SP (11/10/2018)



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