

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Crl.R.C.No.1202 of 2018

Clarion Hotel President
Rep by its Front Office Manager,
Mr.Sujith K.V.
No.25, Dr.Radhakrishnan Road,
Mylapore,
Chennai 600 004.

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Anti Vice Squad,
Chintadripet, Chennai-2.

... Respondent

PRAYER : The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the order of dismissal of the petitioner filed under section 451 of Cr.P.C in Crl.M.P.No.1841 of 2018 dated 15.10.2018 passed by the learned IV Metropolitan Magistrate, Saidapet, Chennai-15.

For Petitioner : Mr.J.William Shakesphere
For Respondent : Mr.G.Harihara Arun Somasankar,
Government Advocate (Crl.Side)

O R D E R

The present revision case has been filed against the order passed by the learned IV Metropolitan Magistrate, Saidapet, Chennai-15 in Crl.M.P.No.1841 of 2018 dated 15.10.2018, rejecting the petition filed by the petitioner herein under Section 451 of Cr.P.C for return of the key in respect of the Room No.241 of the petitioner Hotel.

2. The learned IV Metropolitan Magistrate has given a detailed reasoning as to why the petition for return of the key was not been entertained in paragraph No.10 of the order, which is extracted below:-

"10. The facts of the case dealt by the Hon'ble Court and the case in hand are having different footing. In this case, the

Front Office Executive and the Security Officer were arrested since they played key role in the offence related to flesh trade. The document namely Registration Card, itself support the prosecution case. In the said Registration Card, the important portions were related Foreigners, left unfilled as blank. It shows that the Hotel management categorically neglected in their part and gel with the accused persons related to Flesh trade. The affidavit and the petition suppressed the fact of search in two rooms in the Hotel namely Room No.241 and 166. It is seen from the records that the Investigation Officer secured the two victim women by Andreieva Anastasia (Ukraine National) and Malika Baba Xanova Muratovna (Uzbekistan National). There is any plausible explanations from the petitioner/Hotel on the allegations related to money transactions among the Hotel staffs and the agents. Nothing had been whispered in the petition about the victim Malika Baba Xanova Muratovna (Uzbekistan National) and Room No.166. The said suppression creates serious dent on the claim placed by the petitioner/Hotel. In such circumstances, returning of Master Key of Room No.241 to the petitioner may cause stigma in the flow of Investigation."

3. From the above, it is very clear that the reasoning is well founded for rejecting the claim of the petitioner herein and for rejecting the petition filed under Section 451 of Cr.P.C on behalf of the petitioner herein. Even otherwise, from the materials and the facts as disclosed, the petitioner has knowledge of the incident which happened in the Hotel. In such event, it is not in the interest of the investigation to hand over the key as sought by the petitioner herein.

4. This Court does not find any infirmity in the order passed by the learned IV Metropolitan Magistrate, Saidapet, and this Court finds that the present revision case is lack of merits and substance and the same is dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gsk

To

1.The learned IV Metropolitan Magistrate,
Saidapet,
Chennai-15.

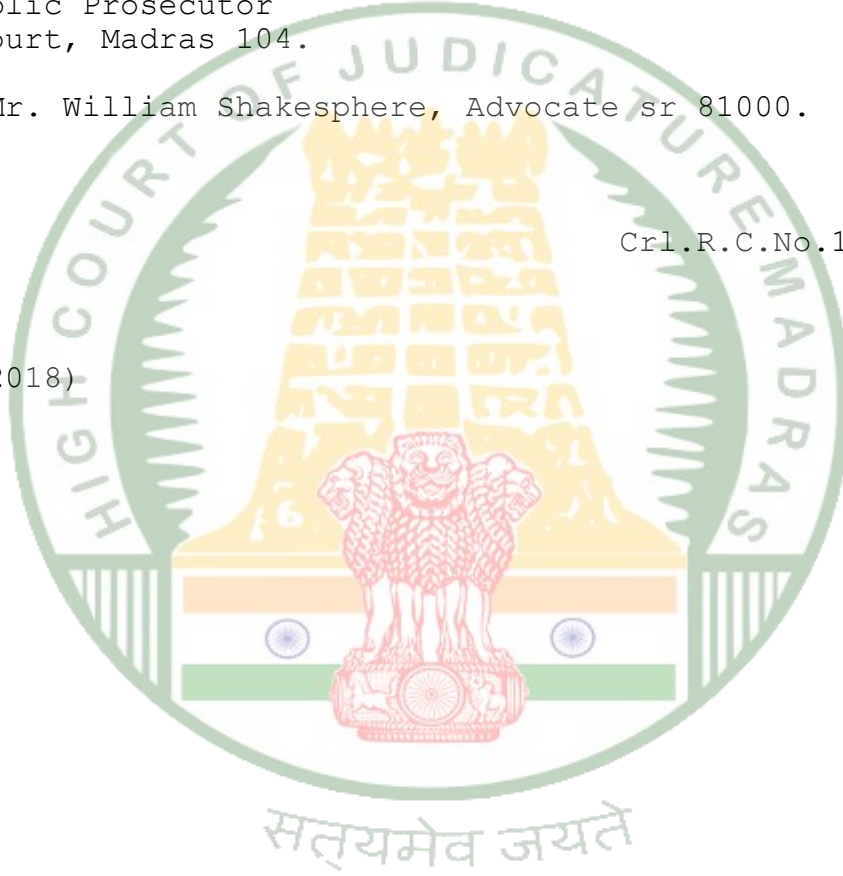
2.The Inspector of Police,
Anti Vice Squad,
Chintadripet, Chennai-2.

3. The Public Prosecutor
High Court, Madras 104.

+1 CC to Mr. William Shakesphere, Advocate sr 81000.

Crl.R.C.No.1202 of 2018

SP(10/12/2018)



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