



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2018

CORAM:

THE HONOURABLE MRS.JUSTICE.R.THARANI

Crl.RC(MD)No.396 of 2018

WEB COPY

Veeramani

...Petitioner /Accused No.1

-vs-

State represented by the
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai.
(Crime No.13 of 2018)

...Respondent/Complainant

PRAYER: Criminal Revision filed Under Section 397 r/w Section 401 of the code of Cr.P.C., to call for the records relating to the order dated 05.07.2018 made in Crl.M.P.No.1509 of 2018 on the file of the learned Principal District and Sessions Court, Pudukottai and allow the Criminal Revision Petition and to set aside the order passed by the Principal Sessions Judge (Special Court for Exclusive Trial of Cases under SC/ST (POA), Act, 1989 Pudukottai and order for return of the properties of the petitioner.

For Petitioner : Mr.V.Singan
For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

ORDER

This petition has been filed against the order passed by the learned Principal District and Sessions Court, Pudukotai in Crl.M.P.No.1509 of 2018 dated 05.07.2018.

2.The case against the petitioner was registered under Sections 120(b), 420, 465, 468, 471, 447 r/w.3 (1) SC/ST Act. The petitioner was arrested and remanded to judicial custody, then he was released on bail in Cr.M.P.No.420 of 2018 on 12.02.2018. In the bail order certain conditions are imposed by the learned Principal District and Sessions Court, Pudukotai. The petitioner's Voter ID, Aadhar Card were seized. The petitioner has filed Crl.M.P.No.1509 of 2018 and the learned Principal District and Sessions Judge has passed an order to return the medical records and has permitted the petitioner to get the ration card from the Court during the first week of every month and to return the same on or before 10th of every month. Against that order the petitioner has filed this petition.

3. On the side of the petitioner, it is stated that the case against the petitioner is execution of a conveyance deed regarding the property of the petitioner and these documents are not necessary for the case. In the ration shop PDS rice are not supplied during the first week of every month. Identification proof is

required for travelling. These documents are seized from the petitioner, without getting prayer permission from the Court.

4. On the side of the prosecution, it is stated that the petitioner and the other accused gave confession statement and based on which, the above said properties are recovered and were handed over under Form 95 into Court. It is stated that the third accused used these documents for committing the offence and colluded with the first accused utilized these documents for registering the property. If the properties are to be handed over to the accused, they may damage and modify the documents and trial will be affected.

5. Records perused. The case against the petitioner is that they have created the documents for alienating some properties and they have used this identification documents and they have approached the Registrar Office and get those documents register. Already medical documents relating to the medical treatment were returned to the petitioner.

6. Getting provision from the ration shop is necessary and Voter ID is also necessary for travelling in train etc,. In the above circumstances, the lower court order is modified so as to return the ration card and the voter ID of the petitioner for temporary safe custody, after obtaining certified copies of the same and on acknowledgement of an identification and on condition that the petitioner should not alter or alienate or change the documents and on undertaking to produce the documents as and when required by the court. Aadhar Card alone is to be retained by the lower Court.

7. Accordingly, this Criminal Revision is partly allowed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Principal District and Sessions Court,
Pudukotai.
2. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

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