

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Crl.R.C.No.61 of 2019

Alima Banu

... Petitioner

vs.

The State,
rep.by Inspector of Police,
CCB-AVS Chennai
Crime No.46/2017

... Respondent

Prayer: Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.5935 of 2018 in C.C.No.1063 of 2017, dated 09.11.2018, by the Judicial Magistrate Court, Alandur and direct the Respondent Police to return the property viz namely Rs.70,00/- and on eNokia Cell Phone belong to the petitioner.

For Petitioner : Mr.S.Vinoth Kumar

For Respondent : Mr.G.Harihara Arun Soma Sankar
Government Advocate

ORDER

The above Criminal Revision Case has been filed against the order passed by the learned Judicial Magistrate, Alandur, in Crl.M.P.No.5935 of 2018 in C.C.No.1063 of 2017, dated 09.11.2018, rejecting the petition filed by the petitioner herein for return of property under Section 451 of Crl.P.C.

2.According to 451 petition, the petitioner herein sought return of cash of Rs.70,000/-, which was recovered by the respondent police as case property in Crime No.46 of 2017.

3.The prosecution objected to the return of money stating that the petitioner was the accused for offences under

Section 4(1) and Section 5(1)(a) of I.T.P. Act and the money was recovered from the petitioner as case property in Crime No.46 of 2017. If the money is ordered to be returned to the petitioner, she will repeat the same kind of offence. On the basis of the said objection, the learned Judicial Magistrate dismissed the petition.

4.Considering the facts and circumstances of the case, this Court finds that once the money has been recovered from the petitioner for offences said to have been committed by her, such money cannot be ordered to be returned to the petitioner pending finalisation of the criminal trial. In any case, the petitioner cannot claim ownership of the property in question, since the same was recovered by the police while investigating the offences charged against her.

In the above said circumstances, this Court does not find any infirmity in the order passed by the learned Judicial Magistrate, Alandur and therefore, the present Criminal Revision Case lacks merit and the same is dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msk

To

- 1.The Judicial Magistrate, Alandur.
- 2.Do through The Chief Judicial Magistrate, Kancheepuram.
- 3.The Inspector of Police,
CCB-AVS Chennai.
- 4.The Public Prosecutor, High Court.

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AK(CO)
CSL/08.02.2019