

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.126 of 2016
and
Crl.M.P.No.883 of 2016

State represented by
The Deputy Superintendent of Police,
E.O.W-II,
Guindy, Chennai.

...Petitioner

Vs.

R.Subramanian

...Respondent

This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the Order passed by the Court of Special Judge under TNPID Act, Chennai in Crl.M.P.No.1813 of 2015 in Crime No.5 of 2013 dated 06.01.2016, as devoid of merits.

For Petitioner : Mr.Ravichandran (Crl. side)
Government Advocate

For Respondent : Mr.J.T.Raja Suriya for
M/s.Prakash Goklaney

O R D E R

This petition has been filed by the State seeking to set aside the Order passed by the learned Special Judge under TNPID Act, Chennai in Crl.M.P.No.1813 of 2015 in Crime No.5 of 2013, dated 06.01.2016.

2. A complaint was given by one G.Ramadoss. Based on the complaint, the petitioner/State filed a case in Crime No.5 of 2013 against the respondent and other accused for offences under Sections 406, 120(B) IPC and Section 5 of TNPID ACT. During investigation, the respondent police has recovered certain documents and laptop from the respondent and other accused. Therefore, the respondent filed a petition before the learned Special Judge, under TNPID Act, Chennai in Crl.M.P.No.1813 of 2015 seeking return of the laptop. The learned Magistrate has allowed

the petition and the case property was ordered to be returned to the petitioner therein with certain conditions.

3. Aggrieved against the said order dated 06.01.2016, the petitioner/State has preferred the present Criminal Revision before this Court.

4. The learned counsel for the petitioner/State would submit that the laptop is absolutely necessary for this case and since the investigation has not been completed, charge sheet is also not filed. Because of this order, the petitioner/State was not able to proceed with the investigation and hence, the order of the Magistrate is liable to be set aside. The laptop is required for proving the transaction that has to be generated from the laptop. Therefore, even before the completion of investigation, the order to return the laptop was passed. The same warrants interference.

5. The learned counsel for the respondent would submit that the Court below has passed a reasoned order. The petitioner herein has not given any valid reason as to why they have not taken any steps to get an expert opinion for taking all the transaction from the laptop. Therefore, the order passed by the Court below has to be sustained.

6. Heard the learned counsel appearing for the revision petitioner/State as well as the respondent and perused the materials available on record.

7. Admittedly, the petitioner/State has registered the case against the respondent herein and other accused for offences under Sections 406, 420 and 120(B) of IPC r/w Section 5 of the TNPID Act also during the course of investigation, the petitioner/State have recovered certain documents, including the laptop. According to the petitioner, the number of persons to be enquired is more and the volume of records is also very high. Hence, the investigation is not yet completed. In the meanwhile, the respondent has filed a petition before the learned Spacial Judge to return the laptop. Even today, the investigation is not completed and charge sheet is also not filed. Considering the facts and circumstances, during the investigation, if the laptop is allowed to be returned, possibility of tampering the records. Hence, the order of the learned Magistrate is liable to be set aside and the revision is to be allowed.

8. For the above said reasons, the order dated 06.01.2016 in CrI.M.P.No.1813 of 2015 is set aside and the revision is allowed.

9. The petitioner/State is directed to expedite the investigation and also file the charge sheet within a period of six months from the date of receipt of a copy of this order. After filing the charge sheet, the Court concerned may consider if the respondent files any application in this regard and dispose of the said application in accordance with law. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Judge (TNPID Act),
Chennai.
2. The Deputy Superintendent of Police,
E.O.W-II, Guindy, Chennai.
3. The Public Prosecutor,
High Court, Madras.

CrI.R.C.No.126 of 2016

and

CrI.M.P.No.883 of 2016

A.SK(05/04/2019)

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