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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.R.C.No.734 of 2019

N.M.Sundar

... Petitioner

Vs.

State represented by
The Sub Inspector of Police,
E-3, Police Station, Teynampet,
Chennai-600 018.

... Respondent

PRAYER: The Criminal Revision Petition has been filed, under Sections 397 and 401 of Cr.P.C., seeking to call for the records pursuant to the order dated 19.06.2019, made in Crl.M.P.No.3271/2019, by the XVIII Metropolitan Magistrate, Saidapet, Chennai-15 and set aside the same and to direct the respondent to return the passport of the petitioner bearing Passport No.949073 issued by the Regional Passport Officer, Madurai.

For Petitioner : Ms.L.Jayamalini

For Respondent : Mr.M.Mohamed Riyaz, APP

O R D E R

- 1.The Criminal Revision petition has been filed, against the order dated 19.06.2019, made in Crl.M.P.No.3271/2019, by the XVIII Metropolitan Magistrate, Saidapet, Chennai-15, seeking for return of the property and valuable documents listed in the schedule to the petition filed under Section 451 of Cr.P.C.
- 2.According to the petitioner, the respondent police have seized the cell phone and valuable documents including the passport described in the schedule in the petition. The learned counsel for the petitioner contending that they are all necessary for the petitioner and that he undertakes to produce before the Trial Court, whenever they are required, had sought for return of the properties.



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3. The respondent had filed a counter, stating that the petitioner was involved in the offence of serious nature and that already another case in Crime No.2007/2017, was pending against the petitioner before E-3, Teynampet Police Station and that when the petitioner was enlarged on bail by this Court in the above case, the petitioner was ordered to surrender his passport before the Trial Court and that the petitioner has not surrendered his passport as ordered by this Court and sought for dismissal of the petition.
4. The Trial Court finding that the petitioner had not complied with the conditional order passed by this Court and that thereafter, the respondent police have seized the Passport from the petitioner, had dismissed the petition. Aggrieved against the same, the present criminal revision petition has been filed.
5. The learned counsel for the petitioner would submit that the petitioner needs the passport for traveling abroad and that the pendency of the case cannot be a bar for return of the passport.
6. The learned Additional Public Prosecutor would vehemently oppose the petitioner stating that the petitioner was directed by this Court in CrI.M.P.No.4339/2018, dated 01.03.2018, to surrender his passport, if it was available with him and that the petitioner had not surrendered the same, at the time of furnishing sureties stating that it was not available with him. Thereafter, the properties along with passport were recovered by the respondent police and deposited before the Trial Court. He would further submit that if the passport is returned to the petitioner, there is every possibility of the petitioner absconding and that the petitioner is involved in another case of serious offence involving in Provisions of Arms Act and would vehemently oppose to return the passport to the petitioner.
7. This Court heard the learned counsel on either side and also perused the impugned order passed by the Trial Court.
8. The Trial Judge, finding that the petitioner had not complied with the order passed by this Court in CrI.O.P.No.4339/2018, dated 01.03.2018, directing him to produce the passport before the Trial Court, had dismissed the petition. Further, the Trial Court has also taken into consideration the fact that if the cellphones are returned to the petitioner, other particulars in the cellphones will be destroyed and it will lead to tampering of evidence.



9.I do not find any infirmity in the order passed by the Trial Court.

10.In view of the above, Criminal Revision is dismissed and the order passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, dated 19.06.2019, made in CrI.M.P.No.3271/2019 is confirmed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

- 1.The XVIII Metropolitan Magistrate, Saidapet, Chennai-15.
- 2.The Sub Inspector of Police, E-3, Police Station, Teynampet, Chennai-600 018.
3. The Public Prosecutor, High Court, Chennai.

+1 cc to Ms.L.Jayamalini Advocate sr94156

CrI.R.C.No.734 of 2019

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